UNITED
NATIONS

A S

General Assembly
Security Council

Distr.
GENERAL

A/50/119
S/1995/223
27 March 1995

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fiftieth session
Item 92 of the preliminary list*
THE SITUATION IN THE OCCUPIED
TERRITORIES OF CROATIA

SECURITY COUNCIL
Fiftieth year

Letter dated 27 March 1995 from the Permanent Representative of Croatia to the United Nations addressed to the Secretary-General

I have the honour to enclose herewith a letter dated 27 March 1995 from the Minister for Foreign Affairs of the Republic of Croatia, Dr. Mate Granić, addressed to you.

I would kindly request your assistance in distributing this letter and its annex as a document of the fiftieth session of the General Assembly under item 92 of the preliminary list, and of the Security Council.

(Signed) Mario NOBILO
Ambassador
Permanent Representative

* A/50/50.

95-08624 (E) 270395 280395

ANNEX

Letter dated 27 March 1995 from the Minister for Foreign Affairs of Croatia addressed to the Secretary-General

I have to draw your attention to the latest in a series of grave incidents in the occupied territories of Croatia in Eastern Slavonia. According to the information available, the military forces of the "Army of Yugoslavia (AJ)" have made an incursion deep into the territory of Croatia by crossing the Danube bridge in Batina, close to the Croatian-Hungarian border, from the "Federal Republic of Yugoslavia (Serbia and Montenegro)". The troops of the Belgian Battalion (BELGBAT) of the United Nations Protection Force (UNPROFOR) in the area attempted to "persuade and negotiate" with the Serbian paramilitary forces in order to prevent this movement, but failed and were forced to withdraw and were kept in detention during the transport of military equipment.

Since the end of January 1995 one armoured company of the "AJ" has been deployed in Eastern Slavonia close to the confrontation line. Moreover, on a later date further deployments took place, including - but not limited to - one mechanized company, one platoon of tanks and one platoon of self-propelled artillery, backed with an infantry company (totalling over 900 troops). The most recent incident saw the transportation of 25 tanks, 1 artillery battery and 1 Luna-M ground-to-ground tactical missile battery, and their deployment east of Beli Manastir and north of Tovarnik. Furthermore, according to available information, part of the 11th and 12th corps of the "AJ" have been mobilized and placed on alert within the territory of the "Federal Republic of Yugoslavia (Serbia and Montenegro)", including the 453rd Mechanized Brigade in Sid. These developments pose a serious threat to the security of the Republic of Croatia and serve as an additional example of the inefficiency of the present United Nations peace-keeping operation and a proof of direct involvement of the "Federal Republic of Yugoslavia (Serbia and Montenegro)" in Croatia.

All of this once again confirms that the mechanisms of control of the international borders of Croatia - those presently outside of the effective control of the Croatian Government - are not sufficient. Furthermore, the above-mentioned grave violations of the relevant Security Council resolutions serve to focus our attention on your report to the Security Council on the implementation of a peac -keeping mandate (S/1995/222), which proposes the continuation of the existing insufficient mechanisms.

On behalf of the Government of the Republic of Croatia, I thus have to express deep dissatisfaction and grave concern with the assessments and recommendations contained in your report (S/1995/222), and in particular with the following:

(1) The report is unbalanced: it overestimates the achievements and underestimates the shortcomings of UNPROFOR's activity in Croatia, and does not realistically reflect the situation of Croatia;

(2) The report repeatedly refers to documents that are several years old, but fails to draw the attention and to take into proper consideration more

recent developments, such as Security Council resolutions 820 (1993) and 871 (1993), and General Assembly resolution 49/43;

(3) The report draws attention to various elements of the so-called Vance plan, but apparently deliberately fails to address the most important element - the immediate disarming and disbandment of the Serbian paramilitary forces on the occupied territories; further, the report minimizes the validity of the need for the return of refugees and displaced persons, which is of paramount importance not only to a quarter of a million displaced persons but to the entire Croatian society as well;

(4) It would appear that in the eyes of the Secretariat the newly proposed mandate would not differ substantially from the expiring one;

(5) The Government of the Republic of Croatia and the local insurgent authorities on the occupied territories have implicite been placed on equal footing, since for every step of the deployment of a new mandate and force, their consent is implied;

(6) The name of the new operation, as proposed in your latest report, does not include reference to Croatia, which was one of our clearly stated requests; this is contrary to the established practice in the United Nations, since only three United Nations operations (the United Nations Truce Supervision Organization (UNTSO), the United Nations Disengagement Observer Force (UNDOF) and UNPROFOR) have hitherto been established without a clear geographic determination; the Government of the Republic of Croatia thus deems this to be highly inappropriate and unacceptable;

(7) The report does not provide for, or even suggest, the reliable control of Croatia's internationally recognized borders and therefore does not fulfil the preconditions for Croatia's acceptance of the new mandate as agreed upon in Copenhagen and Washington; furthermore, the provisions in this regard, as set forth in your report, do not reflect adequately the spirit and content of your recent talks with the President of the Republic of Croatia, Dr. Franjo Tudjman, and the subsequent statements as well.

Taking into account the above, on behalf of the Republic of Croatia, I have the duty to inform you and the members of the Security Council that the Republic of Croatia shall not accept the new mandate of the new peace-keeping force on its territory after the present mandate of UNPROFOR in Croatia terminates in accordance with our letters of 12 January 1995 (A/50/64-S/1995/28) and 18 January 1995 (S/1995/56) unless the following conditions are met:

(1) The name of the new operation contains the word Croatia, explicitly confirming the fact that the new operation is to be carried out in its entirety on the sovereign territory of the Republic of Croatia;

(2) The mechanisms of the active control of the international borders of the Republic of Croatia in the parts that are not at this moment accessible to the Croatian authorities by the new force are negotiated in detail on the basis of relevant Security Council resolutions and have gained the prior formal approval of the Government of Croatia; thus the mechanisms for active control of

Croatia's international borders under the new mandate must be clearly established in respect of imports, exports and all transshipments, consistent with paragraph 12 of resolution 820 (1993).

In this regard, and in order to facilitate the negotiations, I have the honour to draw your attention to the letter dated 22 March 1995 from the President of the Republic of Croatia addressed to you (A/50/119-S/1995/23).

(Signed) Mate GRANIĆ

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1995/224
27 March 1995
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 27 MARCH 1995 FROM THE PERMANENT REPRESENTATIVE OF THE LIBYAN ARAB JAMAHIRIYA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to transmit to you herewith the resolution entitled "Coercive measures and threats by the United States of America, the United Kingdom of Great Britain and Northern Ireland and France against the Great Socialist People's Libyan Arab Jamahiriya", adopted by the Council of the League of Arab States at its one hundred and third session, held in Cairo on 24 March 1995.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Mohamed A. AZWAI
Permanent Representative

95-08734 (E) 280395 280395 290395

/...

Annex

Coercive measures and threats by the United States of America, the United Kingdom of Great Britain and Northern Ireland and France against the Great Socialist People's Libyan Arab Jamahiriya

The Council of the League,

Recalling its resolutions 5156 of 5 December 1991, 5158 of 16 January 1992, 5161 of 22 March 1992, 5224 of 13 September 1992, 5281 of 19 April 1992, 5328 of 21 September 1993, 5373 of 27 March 1994 and 5431 of 15 September 1994 concerning coercive measures and threats by the United States of America, the United Kingdom of Great Britain and Northern Ireland and France against the Great Socialist People's Libyan Arab Jamahiriya,

Referring to the resolution of the Council of Ministers of the Organization of African Unity adopted at its fifty-first ordinary session, held at Addis Ababa from 22 to 27 January 1995 and the resolution adopted by the Seventh Islamic Summit Conference, held at Casablanca from 13 to 15 December 1994, concerning the crisis,

Recalling the provisions of Articles 33 and 52 of the Charter of the United Nations concerning the peaceful settlement of disputes by mediation and judicial settlement so that international peace and security are not endangered,

Expressing its deep concern at the human and material losses sustained by the Libyan people and neighbouring peoples as a result of the coercive measures imposed on Libya by Security Council resolutions 748 (1992) and 883 (1993),

Expressing its regret that the three Western States are persisting in their stand for the continuation of the sanctions, in spite of the peace initiative put forward by the Council of the League of Arab States, Libya's positive response to this initiative and its full compliance with the requirements of Security Council resolution 731 (1991),

Expressing its appreciation for the efforts of the Committee of Seven and the Secretary-General towards a peaceful solution to the crisis,

Having reviewed other developments relating to the issue,

Decides

1. To reaffirm its previous resolutions concerning solidarity with the Great Socialist People's Libyan Arab Jamahiriya and to support its efforts to arrive at a peaceful solution of the crisis within a framework of respect for Libyan national sovereignty and the principles of international law;

2. To adhere to the new practical proposal contained in resolution 5373, adopted on 27 March 1994, that the two suspects should be judged equitably by

the Scottish judges in conformity with Scottish law at the seat of the International Court of Justice at The Hague;

3. To call on the Security Council, with a view to discovering the truth, to conduct a new and impartial inquiry in order to arrive at the truth about the crash of the United States Pan Am aircraft over Lockerbie, in view of the shortcomings of past inquiries and the doubts surrounding them in the light of recently published information and documents;

4. To urge the Security Council to lift the sanctions which it imposed by its resolution 748 (1992) and 883 (1993) pending the results of the inquiry;

5. To invite the Secretary-General of the League to coordinate with the Secretary-General of the Organization of African Unity in the light of the resolution adopted at the sixty-first session of the Council of Ministers of the Organization of African Unity, which provides for the establishment of a ministerial committee of the Council to liaise with the parties to the dispute in order to coordinate efforts and initiatives and to open channels for dialogue with a view to finding a peaceful and just solution to the dispute;

6. To invite the Arab Committee of Seven responsible for following up the crisis to intensify its efforts and contact the parties concerned with a view to urging the Security Council to reconsider the proposals contained in the resolution of the League Council and accept them as a basis for the solution of the crisis;

7. To entrust the Secretary-General with the task of following up the implementation of this resolution.

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1995/225
27 March 1995
ENGLISH
ORIGINAL: RUSSIAN

LETTER DATED 27 MARCH 1995 FROM THE PERMANENT REPRESENTATIVE OF TAJIKISTAN TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to transmit to your herewith the text of an announcement by the Central Commission on Elections and Referendums "On the results of the elections to the Majlis-i Oli of the Republic of Tajikistan", which was received by fax on 27 March 1995 (see annex).

I should be grateful if you would arrange for this letter and its annex to be circulated as an official document of the Security Council.

(Signed) L. KAYUMOV
Ambassador
Permanent Representative of
the Republic of Tajikistan
to the United Nations

95-08746 (E) 280395 290395 300395

/...

Annex

Announcement dated 17 March 1995 by the Central Commission on Elections and Referendums of the Republic of Tajikistan on the results of the elections to the Majlis-i Oli

Having considered the reports submitted by the area electoral commissions on the results of the elections of peoples' deputies of the Republic of Tajikistan, the Central Commission on Elections and Referendums announces that 2,650,267 people were included in the electoral rolls and that 2,419,722 voters, or 91.07 per cent, participated in the voting.

For the election of peoples' deputies of the Republic of Tajikistan, 181 electoral districts were formed, in which there were 350 candidates on the ballot.

Elections were held in all the electoral districts. On 26 February 1995, peoples' deputies to the Majlis-i Oli of the Republic of Tajikistan were elected in 163 electoral districts. In 17 electoral districts, in each of which there were more than two candidates, none was elected and on 12 March 1995 a further election was held.

In one electoral district, where there were two candidates and neither was elected, a further election will be held in accordance with article 48 of the Law of the Republic of Tajikistan "On elections to the Majlis-i Oli of the Republic of Tajikistan".

On the basis of article 44 of the Electoral Law, the Central Commission on Elections and Referendums registered all 180 peoples' deputies of the Republic of Tajikistan elected on 26 February 1995 and in the further election held on 12 March 1995.

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1995/226
27 March 1995
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 27 MARCH 1995 FROM THE PERMANENT REPRESENTATIVE OF THE LIBYAN ARAB JAMAHIRIYA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to transmit to you herewith a note entitled "Security Council resolution 731 (1992) and the latest developments in the Lockerbie question".

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Mohamed A. AZWAI
Permanent Representative

95-08740 (E) 280395 280395 290395

Annex

SECURITY COUNCIL RESOLUTION 731 (1992) AND THE LATEST DEVELOPMENTS IN THE LOCKERBIE QUESTION

13 February 1995

1. Security Council resolution 731 (1992) was based on the indictments in connection with the bombing of Pan Am flight 103 that were handed down on 14 November 1991 by the Lord Advocate (attorney-general) of Scotland and by a grand jury at the United States District Court for the District of Columbia. The decision to indict was based on the information gathered by the two countries over a three-year period and, as a result, they brought charges against two Libyan nationals. The resolution in question was also based on French demands relating to the bombing of UTA flight 772, demands made by the United Kingdom and the United States and joint demands made by all three Governments after the indictments were handed down. (See documents S/23306, S/23307, S/23308, S/23309 and S/23317.) In connection with the Pan Am incident, the British and American governments declared (S/23308) that the Libyan Government must:

> "(a) Surrender for trial all those charged with the crime and accept responsibility for the actions of Libyan officials;
>
> "(b) Disclose all it knows of this crime, including the names of all those responsible, and allow full access to all witnesses, documents and other material evidence, including all the remaining timers;
>
> "(c) Pay appropriate compensation."

They then joined the French Government in making an additional demand, namely that Libya must "commit itself concretely and definitively to cease all forms of terrorist action and all assistance to terrorist groups" and that it "must promptly, by concrete actions, prove its renunciation of terrorism" (S/23309).

2. Under pressure from the three Governments, the Security Council then adopted its resolution 748 (1992), into which the question of terrorism on a wide scale had been forcibly injected. In violation of many of the provisions of the Charter of the United Nations, the Council thereby imposed an aerial, diplomatic and military embargo on Libya despite the fact that the matter at issue was in essence a legal dispute governed by the 1971 Montreal Convention for the Suppression of Unlawful Acts against Civil Aviation. The Council subsequently adopted its resolution 883 (1993) by which the sanctions were made more stringent.

These sanctions have done great harm to our people in all aspects of life, and the Libyan Arab Jamahiriya has submitted to the Security Council the following documents showing the damage inflicted and the obstacles imposed on the various sectors by the sanctions as well as the adverse impact they have had on neighbouring countries: S/23855, S/23915, S/23954, S/24004, S/24072,

S/24186, S/24334, S/24381, S/24427, S/24428, S/24448, S/24463, S/24530, S/24629, S/24961/Add.1, S/25559, S/25990, S/26139, S/26654 and S/1994/921.

3. Despite the extraordinary demands made by the British and American Governments and the fact that those demands were patently contrary to the provisions of international law and of the international human rights instruments, and in particular to article 14, paragraph 2, of the International Covenant on Civil and Political Rights, the Libyan Arab Jamahiriya nevertheless complied in full with Security Council resolution 731 (1992) and spared no effort to seek a possible solution in keeping with the provisions of the law. The initiatives taken by Libya can be summed up as follows:

(a) On receipt of the two indictments, it exercised its jurisdiction under the 1971 Montreal Convention and appointed an investigating magistrate. However, the United States and British Governments refused to cooperate with the Libyan authorities, with the result that measures to bring the accused to trial failed because of their intransigence. (See documents S/23416, S/23417, S/23441 and S/23574.)

(b) It proposed that the question should be referred to the International Court of Justice with a view to ascertaining whether the charges made against the Libyan suspects were well grounded, and it proposed that the two might be handed over to the office of the United Nations Development Programme in Tripoli for questioning. It further proposed that the Secretary-General of the United Nations should undertake to form a legal committee made up of judges of attested impartiality and fairness to inquire into the facts, ascertain whether the charges made against the two suspects were well founded and conduct a full investigation, stating that should it become evident to the Secretary-General that the charges were well founded, the Jamahiriya would not oppose the hand-over of the two suspects, under his personal supervision, to a third party, on the understanding that they should not again be handed over. (See document S/23672, annex I.)

(c) The Libyan Arab Jamahiriya approached the International Court of Justice unilaterally in order to present its viewpoint.

(d) The matter was referred to the Basic People's Congresses at their second session for 1992. They expressed the view that there could be no objection to an investigation and trial arranged through the Committee of Seven of the League of Arab States or through the United Nations before a just and fair tribunal to be agreed upon. On that basis, the Libyan Arab Jamahiriya declared that it was ready to begin negotiations with the countries concerned, under the auspices of the Secretary-General of the United Nations, on the conduct of the trial in a neutral country to which none of the parties to the dispute objected and where all the guarantees necessary to bringing the truth to light could be provided. (See documents S/23918, S/24209, S/24961 and S/26313.)

(e) The Libyan Arab Jamahiriya and the attorneys for the suspects submitted a number of questions to the Secretary-General of the United Nations for forwarding to the three countries concerned and to the members of the Security Council. (See documents S/26500 and S/26523.) Following receipt of answers to the questions, the Secretary-General was notified that the guarantees

provided by him were sufficient and acceptable and that the Libyan Arab Jamahiriya, as a State, not only had no objection to the suspects going to trial but was urging them to do so. However, the defence team for the two, made up of legal advisers of different nationalities and including Britons and Americans, was deeply concerned by the effect pre-trial publicity in the United States and Scotland might have in prejudicing prospective jurors, by the absence of the customary extradition procedures and by the refusal of the prosecuting authorities to disclose the evidence to be used in the trial. The defence was of the view that this refusal would greatly limit its ability to prepare its case in the proper manner. (See documents S/26500, S/26523 and S/26629.)

4. In parallel with the efforts and initiatives undertaken by the Libyan Arab Jamahiriya with a view to arriving at a solution in keeping with the provisions of international law, the Council of the League of Arab States adopted a resolution on 27 March 1994 in which it endorsed the proposal of the Secretary-General of the League that the two suspects should be tried by Scottish judges under Scots law at the seat of the International Court of Justice at The Hague and urged the Security Council to take account of this new and constructive proposal in seeking a peaceful settlement so as to prevent any escalation of the situation that might exacerbate tension in the region. (See document S/1994/373.)

5. The three Governments did not accord the endeavours and initiatives undertaken by the Jamahiriya and the League the attention they deserved. They turned a deaf ear to the views expressed by the Arab Maghreb Union, the League of Arab States, the Organization of African Unity, the Organization of the Islamic Conference and the Movement of Non-Aligned Countries, and they maintained their intransigent position of insisting on their unlawful demands and especially on the need for the suspects to appear before American and Scottish courts. Consequently, the Security Council was hurriedly pressed into taking action under Chapter VII of the Charter, instead of applying the provisions of Chapter VI, and into imposing harsh sanctions that are in no way appropriate to this dispute.

6. The three Governments have maintained their intransigent attitude despite the developments revealed in the news media, the debate held in the British House of Commons on 1 February 1995 and the statements made by the spokesman for the families of the British "Pan Am Victims". These developments have revealed serious flaws and shortcomings in the investigation of the true reasons for the crash of Pan Am flight 103, and they have highlighted the uncertainty surrounding a number of occurrences and the fact that many questions remain to be answered. The families of the British Pan Am victims have serious misgivings about the inquiries carried out by the British authorities and therefore about their outcome. These doubts are revealed in the petition presented to the European Parliament on 19 January 1995 by Dr. Jim Sawyer, spokesman for the victims' families, which states that the families have been pressing for a reopening of the investigation, that neither Prime Minister Thatcher nor her successor Major would agree to a meeting with them and that they think that the investigations carried out failed to uncover the truth.

The investigating authorities in both the United Kingdom and the United States base their indictments on an account to the effect that "On

21 December 1988 at Luqa Airport, [Malta, the two suspects] did place or cause to be placed on board an aircraft of Air Malta, flight KM-180 to Frankfurt ..., the suitcase or a similar suitcase ..., having tagged or caused such suitcase to be tagged so as to be carried by aircraft from Frankfurt ... via London, Heathrow Airport, to New York, John F. Kennedy Airport" (S/23307). However, a Federal Bureau of Investigation document mentioned by the newspaper The Independent in its issue for 30 January 1995 gives a completely different story according to which the suitcase was placed on board the aircraft in Frankfurt. The FBI document indicates that there is no documented proof that the suitcase was on board the Air Malta aircraft, and it also points to parties other than Libya as being behind the Pan Am bombing.

A recently disclosed United States Air Force Intelligence document tells another and more detailed story of who was behind the bombing of Pan Am flight 103, and an article in The Sunday Telegraph of 29 January 1995 refers to other parties that may be behind the bombing.

An article in the 5 February 1995 issue of the same newspaper reveals a discrepancy, in that the coroner issued death certificates for 59 decedents at Lockerbie while there were only 58 bodies. The article attributes the discrepancy to the belief that one body was removed from the crash site when a team of American agents came to Lockerbie and tampered with the evidence in an attempt to falsify the causes of the disaster. The coroner was later surprised to learn that the Scottish police had particulars of only 58 bodies.

The statements made by some officials and by the relatives of victims and others are alone sufficient to undermine the foundations on which the United States and British indictments are based, and this can only be ascertained by an impartial inquiry that brings the truth to light and leaves no room for doubt. We shall here cite a few examples of the many statements concerning those circumstances surrounding the Lockerbie incident that require clarification:

(a) Mr. Martin Cadman, the father of one of the victims, has said that "An aide to President George Bush told me, 'Both of our governments know who planted the bomb and how, but they will never admit it'".

(b) The British Minister of Transport stated at a London club in March 1989 that President Bush and Prime Minister Margaret Thatcher had decided in a telephone conversation to downgrade the criminal investigation into the Lockerbie affair. The journalist David Libarow confirmed this statement before suppressing it in the book he subsequently published.

(c) Mr. Phipps, former chief of the British Airways security department, has stated: "I found no evidence in the documents of the existence of any unaccompanied suitcase".

(d) Mr. Bollier, the supplier of the timers, said in 1990/1991: "I spent a whole week with the FBI agents and tried to get a look at the timer part. But they told me they didn't have it and that it was with the Scottish police." Then he spent another week with the Scottish police, who showed him only a picture. He added: "An American police officer said that there was an explanation for all this and that three of his assistants had stated on oath

that they had found the part and had signed an affidavit to that effect. However, I later heard that it was the Scottish police who had found the part in a shirt that had come from Malta."

The debate on the Lockerbie affair that took place in the House of Commons on 1 February 1995, the many questions asked and the answers given by Mr. Douglas Hurd, Secretary of State for Foreign and Commonwealth Affairs, aroused more suspicions than they removed with respect to the investigations carried out and thickened the fog surrounding the issue more than they dispelled it. In many of his replies, he seemed inconsistent. This view is not ours alone but is shared by others, as is indicated by the article that appeared in The Sunday Telegraph on 5 February 1995 under the headline "Hurd Speech Only Adds to Clamour for Inquiry". At one point it is said, concerning Mr. Hurd, "His half-hour speech certainly made a striking impression, but it included striking inconsistencies". There were many important questions to which Mr. Hurd did not respond, to the extent that the writer of the article was prompted to ask: "If a Foreign Secretary, one of the most powerful politicians in Britain, cannot answer questions about the conduct of an international inquiry, who can? Which adds to the mounting conviction of the victims' relatives and those wanting to learn the truth about Lockerbie that the sooner the Government sets up a public inquiry the better."

7. The Libyan Arab Jamahiriya is not in a position to present a list of all the flaws and shortcomings that have vitiated the inquiry and evidentiary proceedings. It is obliged to rely on revelations in the media because the three countries in question have thus far persistently refused to provide it with the evidence on which the Governments of the United States and the United Kingdom based themselves in making charges against the two suspects. Had they kept the Libyan authorities informed, those authorities would have been able to evaluate the evidence objectively and impartially.

In view of these developments, it is no longer possible to place any reliance on indictments that are vitiated by such serious defects and flaws. It is also no longer acceptable from a legal, political or humanitarian point of view for an entire people to continue to suffer because of a mere suspicion that two persons may be connected with the bombing of an aircraft based on investigations that are not yet complete. It has become essential to institute an inquiry that will bring the truth to light. This is no longer the demand of Libya alone but has become that of the victims' relatives and of all who wish to know the truth about the Lockerbie incident.

8. In connection with the demands of the French Government stemming from the bombing of the UTA aircraft (S/23306), France calls upon Libya:

> "To produce all the material evidence in its possession and to facilitate access to all documents that might be useful for establishing the truth;
>
> "To facilitate the necessary contacts and meetings, inter alia, for the assembly of witnesses;
>
> "To authorize the responsible Libyan officials to respond to any request made by the examining magistrate responsible for judicial information."

Seeing nothing in their ensemble that is incompatible with the law, the Libyan Arab Jamahiriya has accorded great attention to these demands. There have been intensive contacts and discussions between the judicial authorities in the Libyan Arab Jamahiriya and in France with a view to establishing responsibility for the bombing of UTA flight 772. The French and Libyan investigating magistrates have met on a number of occasions, the French magistrate has been shown the records of the investigation carried out by the Libyan magistrate and it has been agreed that the French magistrate should travel to Libya to complete his inquiries. Contacts between the two countries are being maintained in order to pursue and complete these endeavours. With a view to establishing ongoing and constructive cooperation between the two countries, on 22 November 1993 the Secretary of the General People's Committee for Foreign Liaison and International Cooperation proposed the following to the French Minister for Foreign Affairs (S/26804, annex, enclosure):

> "1. That an urgent meeting should be held between the Libyan investigating counsellor and the French examining magistrate in order to exchange views and establish procedures for the completion of the inquiries being carried out by both sides;
>
> "2. That a date should be fixed for the French examining magistrate to come to the Jamahiriya to complete his inquiries by, inter alia, hearing the statements of individuals and examining materials essential to the inquiry, in cooperation with the Libyan investigating counsellor and within the bounds of the laws and statutes in force;
>
> "3. That, should the inquiries result in demonstrating that it is essential for the two suspects to appear before the court, the Libyan authorities would have no objection to them doing so."

(See also documents S/23473, S/23672, S/23828, S/23891, S/23918, S/24961, S/26313 and S/26523 and S/32995.)

9. The three countries in question have deliberately linked their demand relating to terrorism with the Libyan Arab Jamahiriya, and they have induced the Security Council to confine this universal phenomenon to the Lockerbie and UTA incidents. Since the onset of the crisis, they have not ceased to reiterate that Libya must "commit itself concretely and definitively to cease all forms of terrorist action and all assistance to terrorist groups" and that it "must promptly, by concrete actions, prove its renunciation of terrorism" (S/23309).

In a letter dated 11 May 1992 addressed to the Secretary-General of the United Nations (S/23918), the Jamahiriya declared that it definitively condemned all forms of international terrorism of whatever origin and affirmed that there were no terrorist training camps or terrorist organizations or groups in its territory. This was no mere abstract declaration, and Libya followed it up with a practical proposal by inviting a committee from the Security Council, the United Nations Secretariat or any appropriate United Nations body to investigate this at any time. At the same time, Libya also stated that it would not in any way permit its territory or its institutions to be used directly or indirectly for the perpetration of terrorist acts and that it was prepared to impose the severest penalties on anyone proved to be involved in such acts.

The General People's Committee for Foreign Liaison and International Cooperation issued a statement (S/23917) confirming the undertakings given in that letter. Libya confirmed them once again in a letter dated 8 December 1992 addressed to the Secretary-General (S/24916) and, in a letter dated 28 July 1993, assured the Secretary-General that it was prepared to receive a mission of his choosing to verify that there were no camps in Libyan territory allegedly used for the training of terrorists. (See documents S/23417, S/23672 and S/24209.) The Libyan Arab Jamahiriya has also cooperated with the United Kingdom in a concrete manner in connection with its particular demands. (See documents S/23995 and S/26313.) However, these three countries choose to ignore all of the foregoing and reject the idea of sending a mission to verify that there are no camps and so forth, so that the question of terrorism remains a sword of Damocles and they have a justification to retain and strengthen the sanctions on the pretext that Libya is failing to comply with the resolutions of the Security Council.

10. Recent developments having shown that the foundation on which the Security Council based its resolution 731 (1992) is weak if not non-existent, the continued suffering of the Libyan Arab people as a result of the sanctions imposed by the Council under strong pressure from these three countries no longer has any justification. The other members of the Council must assume their legal, political and humanitarian responsibilities, and they must:

1. Urge the institution of an impartial inquiry into the true state of affairs with respect to the bombing of the Pan Am aircraft over Lockerbie in view of the fact that the investigations conducted in the past have been vitiated by flaws and beset with suspicion;

2. Suspend the application of the sanctions imposed by the Security Council under its resolutions 748 (1992) and 883 (1993) pending the outcome of the inquiry.

11. The Libyan Arab Jamahiriya would like to dispel any suspicion that may arise that its request for a new inquiry and for the suspension of sanctions conceals an attempt to extricate itself from the crisis. It continues to view the proposal of the Secretary-General of the League of Arab States that the two suspects should be tried by Scottish judges under Scots law at the seat of the International Court of Justice at The Hague as a compromise solution that takes account of the interests of all the parties concerned, and it joins the Council of the League of Arab States in urging the Security Council to take account of this new and constructive proposal.

The legal impediments to this proposal that were raised in the House of Commons on 1 February 1995 by Mr. Douglas Hurd, British Secretary of State for Foreign and Commonwealth Affairs, and the doubts he cast on guarantees for the appearance of the two suspects before the court in the event such legal impediments were overcome represent no more than an attempt to erect obstacles to a resolution of the crisis. The Jamahiriya has, after all, on more than one occasion given assurances of the seriousness of its intention to conduct an impartial trial for the two suspects. If the Secretary of State for Foreign and Commonwealth Affairs feels that there is a legal obstacle to holding the trial at The Hague, then he should grasp the legal difficulties encountered by a

country that is requested to extradite its nationals to another country without any legal justification. Over and above the assurances given by the Libyan Arab Jamahiriya, it is prepared to discuss additional guarantees in the event that the Government of the United Kingdom should show good faith and accept the proposal of the Secretary-General of the League of Arab States.

UNITED
NATIONS

A S

General Assembly
Security Council

Distr.
GENERAL

A/49/872
S/1995/227
28 March 1995

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-ninth session
Agenda item 39
THE SITUATION IN BOSNIA AND HERZEGOVINA

SECURITY COUNCIL
Fiftieth year

Letter dated 28 March 1995 from the Chargé d'affaires a.i. of the Permanent Mission of Bosnia and Herzegovina to the United Nations addressed to the Secretary-General

We have reviewed your report of 22 March 1995 (S/1995/222) with care. It initiates an analysis of numerous factors that impact the future of the United Nations mission within the relevant Republics and of the potential for the successful implementation of the mandate thereof. While the report is a start, it unfortunately leaves many of the most crucial issues relevant to the current discussion unanswered or even unaddressed. Furthermore, it contains some significant assertions of fact, omissions and/or conclusions to which we would like to respond, but in the interest of focus and brevity, herein we will address only the absolutely essential.

We are most disappointed that the report does not address most of the concerns brought out in President Izetbegovic's letter to you of 22 March 1995 (S/1995/216). In particular, we find it unsatisfactory that the report has not proposed modalities and a time-frame for the review of the mandate of the United Nations mission within the Republic of Bosnia and Herzegovina and the implementation thereof. This does not provide our Republic with the necessary comfort, under these circumstances, to extend the current mandate of the United Nations Protection Force (UNPROFOR).

Next, we cannot acquiesce in the omission of our Republic's name from the title of the United Nations mission that is operating in our Republic, and therefore cannot accept the proposals contained in paragraph 84 of the report. This is an unwarranted offence to our sovereignty and territorial integrity which, after all, has been at the core of this conflict. More interestingly, the proposed designations run counter to the entire focus of the Contact Group at this time, which is ostensibly striving to gain the recognition of the Republic of Bosnia and Herzegovina and its sister Republics by the Federal

Republic of Yugoslavia (Serbia and Montenegro). After all, as stated in paragraph 56 of the report, it is the status-of-forces agreement with the Republic of Bosnia and Herzegovina that regulates UNPROFOR's presence in that country.

We would like to highlight also the following in the report, which further contributes to our dismay and concern:

(a) In paragraph 4 of the report, it is stated that:

"Also of great concern are the military alliances that have been formed in the area, including the Joint Defence Council established between the Krajina Serb and Bosnian Serb armies on 19 February 1995 and the formation of the Joint Defence Council between the Croatian Government and the Federation of Bosnia and Herzegovina on 6 March 1995."

Even putting aside the distinction between aggressor and victim, this sentence equates, on the one hand, the formal union of Serbian paramilitary forces actively violating and committed to the destruction of the territorial integrity and sovereignty of two United Nations Member States and, on the other hand, the defensive cooperation between the Republic of Bosnia and Herzegovina and the Republic of Croatia, whose objective is the preservation of such territorial integrity and sovereignty, as well as the protection of our citizens, consistent with the unabridgeable right to individual and collective self-defence engrained in the Charter of the United Nations. The disregard of these most basic distinctions makes us ever more vigilant in our cooperation with the Secretary-General's office in defining, reviewing and/or extending the United Nations mission within the Republic of Bosnia and Herzegovina;

(b) We can certainly agree with the assertion in paragraph 78 that the United Nations force within the Republic of Bosnia and Herzegovina "can do little but to delay rather than prevent a renewed outbreak of hostilities". What concerns us is that the report fails to state that the Government of the Republic of Bosnia and Herzegovina has compromised and unequivocally accepted the Contact Group peace initiative, while the Pale Serbs have not. Since this is the determinant obstacle to further political progress in the peace talks, we must question the motive of this most obvious of omissions and can at best decipher, once again, an attempt to equate the compromising with the non-compromising, the victim with the aggressor;

(c) While citing on several occasions the "no-fly zone", "air-to-ground support" for UNPROFOR by the North Atlantic Treaty Organization (NATO), the deterrent of air strikes by NATO and the overall cooperation between the United Nations mission and NATO in the Republic of Bosnia and Herzegovina, we are surprised by the absence of any mention of the newly deployed anti-aircraft systems within the Republic of Bosnia and Herzegovina. These new anti-aircraft systems are a direct challenge to both the United Nations and the NATO missions and the most serious threat to their personnel. This new challenge and threat is the most significant new factor directly and negatively altering the humanitarian, military and political environment. This was one of the major motivations behind the President's request for the comprehensive review contained in his letter of 22 March 1995;

(d) The report, over all, stresses UNPROFOR's Chapter VI approach to its mandate while marginalizing, even disregarding, the Chapter VII authority adopted in relevant Security Council resolutions. In our view, this acquiesces in the steady erosion of UNPROFOR's mandate and widens the gap between resolutions adopted in the Security Council and their implementation on the ground, further raising the urgency of a review.

As previously indicated, we remain prepared to engage in a constructive dialogue and close cooperation. We are sad to conclude that the report does not provide, as yet, a vision for this dialogue and cooperation. We await clarification regarding the key concerns outlined in our President's letter of 22 March 1995.

May I ask for your kind assistance in circulating this letter as a document of the General Assembly, under agenda item 39, and of the Security Council.

(Signed) Ivan Z. MISIC
Deputy Permanent Representative
Chargé d'affaires a.i.

UNITED
NATIONS

A S

General Assembly
Security Council

Distr.
GENERAL

A/50/123
S/1995/228
28 March 1995
ENGLISH
ORIGINAL: ARABIC

GENERAL ASSEMBLY
Fiftieth session
Items 28, 42, 44, 56, 81 and 97
of the preliminary list*

SECURITY COUNCIL
Fiftieth year

THE SITUATION IN BOSNIA AND HERZEGOVINA

QUESTION OF PALESTINE

THE SITUATION IN THE MIDDLE EAST

CONSEQUENCES OF THE IRAQI OCCUPATION OF AND AGGRESSION AGAINST KUWAIT

MAINTENANCE OF INTERNATIONAL SECURITY

SUSTAINABLE DEVELOPMENT AND INTERNATIONAL ECONOMIC COOPERATION

Letter dated 27 March 1995 from the Permanent Representative of Bahrain to the United Nations addressed to the Secretary-General

I am pleased to transmit herewith the press communiqué issued by the fifty-fourth session of the Ministerial Council of the Gulf Cooperation Council, held at Riyadh on 19 and 20 March 1995.

I should be grateful if you would have this letter and the press communiqué circulated as a document of the General Assembly, under items 28, 42, 44, 56, 81 and 97 of the preliminary list, and of the Security Council.

(Signed) Jassim BUALLAY
Permanent Representative

* A/50/50.

95-08889 (E) 300395 300395 310395

/...

Press communiqué

The Ministerial Council held its fifty-fourth session on 19 and 20 March 1995 at the headquarters of its secretariat at Riyadh, under the chairmanship of His Excellency Sheikh Mohammed Bin Mubarak Al Khalifa, Minister for Foreign Affairs of Bahrain and Chairman of the current session of the Ministerial Council, in the presence of the following:

His Excellency Mr. Rashid Bin Abdullah al-Nuaimi, Minister for Foreign Affairs of the United Arab Emirates;

His Royal Highness Prince Saud al-Faisal, Minister for Foreign Affairs of Saudi Arabia;

His Excellency Mr. Yusuf Bin Alawi Bin Abdullah, Minister for Foreign Affairs of Oman;

His Excellency Sheikh Hamad Bin Jasim Bin Jabr Al Thani, Minister for Foreign Affairs of Qatar;

His Excellency Sheikh Sabah al-Ahmad al-Jabir al-Sabah, First Deputy Prime Minister and Minister for Foreign Affairs of Kuwait.

On the basis of the affirmation by the Supreme Council at its fifteenth session, held from 19 to 21 December 1994 in Bahrain, of renewed determination to push forward the perimeters of felicitous cooperation to wider horizons and to overcome all the obstacles it might encounter, the Ministerial Council was informed of the steps taken with regard to implementation of the decisions of the Supreme Council and stressed its wholehearted desire to implement those decisions so as to attain the intended goals.

The Ministerial Council welcomed the initiative of Qatar, as expressed by His Highness the Heir Apparent of Qatar on 15 February 1995 at the sectoral meeting of the Ministerial Council and the acceptance by His Highness the Heir Apparent of Bahrain of this initiative for finding a fraternal solution that preserves the close ties of affection and brotherhood through continuation of the mediation of Saudi Arabia and the good offices of the Custodian of the Two Holy Mosques, King Fahd Bin Abd al-Aziz. The Ministerial Council also welcomed the proposal contained in the report of the Supreme Council of the Gulf Cooperation Council at its last session, held in Bahrain, for a redoubling of efforts to put an end to undecided bilateral issues between member States before the convening of the sixteenth session of the Supreme Council at Muscat.

The Ministerial Council welcomed the Memorandum of Understanding signed by Saudi Arabia and Yemen at Makkah on 27 February 1995, because of its positive impact on the fraternal relations existing between the two countries and the States of the region and on the promotion of security and stability.

The Council is pleased, on the occasion of the fiftieth anniversary of the founding of the League of Arab States, to express its aspiration that this occasion should mark a true new beginning in Arab relations and that the Arab

nation should see a strong League of Arab States, through respect for the sovereignty and independence of all member States, serious commitment to the Pact of the League of Arab States, the Charter of the United Nations and other international instruments and exploitation of the potentials of the Arab nation for progress, stability, development and prosperity.

The Ministerial Council also discussed the process of Iraq's implementation of the Security Council resolutions relating to its aggression against Kuwait, on the basis of the decisions of the Supreme Council at its fifteenth session in Bahrain, affirming that complete compliance by Iraq with all relevant Security Council resolutions would represent a fundamental element proving its peaceful intentions towards Kuwait and the neighbouring States and a starting-point for strengthening security and stability in the region.

In this context, the Council affirms the need for Iraq to complete the implementation of the United Nations resolutions relating to its aggression and the provisions of resolution 687 (1991), in particular those relating to the release of prisoners and detainees of Kuwaiti and other nationalities, the return of property and abstention from any act of aggression or provocation, in compliance with resolution 949 (1994). The Ministerial Council appreciates the positive stands taken by the members of the Security Council for the full implementation of all the resolutions of international legitimacy, whereby they are making a contribution to the establishment of firm bases for regional and international security and stability.

The Ministerial Council reaffirms its wholehearted desire for the unity, sovereignty and territorial integrity of Iraq and expresses its sympathy with the fraternal Iraqi people in its ordeal and suffering, for which the Iraqi Government bears the full responsibility because of its rejection of Security Council resolutions 706 (1991) and 712 (1991) concerning Iraq's needs of food and medicine.

The Ministerial Council considered new developments in relations between the States of the Cooperation Council and the Islamic Republic of Iran and the issue of its occupation of the three islands of the Greater Tunb, the Lesser Tunb and Abu Musa, which belong to the United Arab Emirates, and recalled the confirmation by the Supreme Council at its last summit of the position of the Council States, which calls for the maintenance of security and stability in the region and the establishment of normal neighbourly relations based on mutual respect, non-interference in internal affairs, renunciation of the use of threat of force and the peaceful settlement of disputes. It expressed its deep regret at the Islamic Republic of Iran's failure to respond to the repeated invitations of the United Arab Emirates to seek a solution to this issue by peaceful means. It expressed concern that the Iranian Government had proceeded to take measures designed to establish its occupation of the three islands, in contravention of the principles of international law, the Charter of the Organization of the Islamic Conference and the principles of good-neighbourliness and respect for the sovereignty and territorial integrity of the States of the region.

The Council reiterates its firm position in support of the United Arab Emirates and affirms its sovereignty over its three islands, the Greater Tunb, the Lesser Tunb and Abu Musa. It also reaffirms its absolute backing for all

the peaceful measures being taken to recover its sovereignty over its three islands and calls on Iran to refer the dispute to the International Court of Justice.

The Council studied developments in the Middle East peace process in all its aspects, affirming that a just and lasting peace must be based on Security Council resolutions 242 (1967), 338 (1973) and 425 (1978), the principle of land for peace, full Israeli withdrawal from the occupied Arab territories, including Jerusalem, and the restoration of the legitimate rights of the Palestinian people. The Council noted with satisfaction the breakthroughs achieved in the peace process since its inception at the Madrid Conference in 1991 and, at the same time, expresses its concern at Israel's dilatoriness in implementing the Palestinian-Israeli Agreement and its persistence in altering the demographic and legal status of Jerusalem.

The Council expresses concern that there has been no progress on the Syrian-Israeli and Lebanese-Israeli tracks and, in this connection, reiterates its support for the just demands of the Syrian Arab Republic and the Lebanese Republic and its great appreciation of their positions and their earnest efforts to ensure the success of the peace process. It commends the ongoing efforts being made by the United States of America to overcome the obstacles in the way of the peace process and activate the Middle East peace process.

Being firmly convinced that a just and comprehensive peace must achieve equal and balanced security for all parties, and seeking to make the Middle East region a region free from all weapons of mass destruction, the Ministerial Council calls on Israel to accede to the Treaty on the Non-Proliferation of Nuclear Weapons and to place all its nuclear facilities under the safeguards system of the International Atomic Energy Agency.

In the field of post and communications, the Council approved the adoption of the Memorandum of Understanding concerning first-class mail, certain decisions concerning telephone communication rates and representation of the Council States on the Governing Board of the INMARSAT corporation.

In the context of economic relations between the States of the Cooperation Council, States and international economic groupings, the Council reviewed the results of the meeting held in January 1995 between the Council States and the Japanese Government. It expressed its satisfaction at the results of this meeting and hopes that it will contribute to an increase in Japanese investments in the Council States.

It also reviewed the results of the sixth meeting of the Joint Cooperation Committee of the Council States and the European Union held at Brussels on 7 March 1995.

The Council notes that the amendments made by the European Union to the Generalized System of Preferences as from 1995 will be detrimental to Gulf exports to the European Market, which is not in accordance with the commitment of the European side under the cooperation agreement concluded between the two sides, and it calls on the European Union to consider measures to ensure that

the exports of the Council States continue to benefit from trade advantages in the European Market.

It looks forward to the joint ministerial meeting of the two groups, to be held in May 1995, and hopes that this meeting will help to advance economic cooperation between the two groups to encompass broader areas so as to increase the flow of trade and investment between the two groups. The Council has also been informed of the results of the dialogue that took place on 9 and 10 March 1995 between the Council States and the Government of the United States of America.

The Ministerial Council discussed the deterioration of the security situation and the accumulation of human suffering in the Republic of Bosnia and Herzegovina in the light of the Serbs' continued aggression and their rejection of the peace plan. The Council condemns the Serbs for their acts of aggression, their defiance of Security Council resolutions and their obduracy regarding efforts to establish peace in Bosnia and Herzegovina. The Council reiterates its call for the adoption of all possible measures to ensure Serbian compliance with its relevant resolutions, strengthen United Nations international protection, provide effective protection for safe areas and extend these throughout Bosnian territory, and enable the Republic of Bosnia and Herzegovina to exercise its inalienable and legitimate right to self-defence under Article 51 of the Charter of the United Nations.

The Ministerial Council calls for a halt to the bloodshed to which the Chechen people is exposed, expresses its profound regret at the continuation of the bloodshed and calls on the parties to the dispute to resolve their problems through dialogue and negotiation.

The Ministerial Council reviewed the situation in Somalia and Afghanistan and calls on the parties to the dispute to enter into a serious dialogue to resolve their differences, achieve national reconciliation and preserve the unity of their people and the territorial integrity of their countries.

The Council also discussed a number of the records of earlier meetings of the Ministerial Committees on finance, economy, agriculture, industry, petroleum and posts, telegraphs and telephones, approved them and affirmed the importance of the completion by the Ministers of Finance of the talks on a standardized customs tariff vis-à-vis the outside world, in accordance with the decision of the Supreme Council at its fifteenth session in Bahrain.

The Council also approved the decision of the Committee on Financial and Economic Cooperation that it was not necessary to endorse certificates of origin and the accompanying invoices and safety certificates for foodstuffs in respect of goods of national origin destined for embassies, missions and consulates in the Council States, with the stipulation that other relevant authorities should be bound by that.

The Ministerial Council decided to issue an invitation for the convening of a meeting of Ministers for Foreign Affairs and Ministers of Finance and Petroleum of the Council States to discuss overall economic relations between the Council States, States and economic groupings.

Done at Riyadh
on 20 March 1995

UNITED
NATIONS

A S

General Assembly
Security Council

Distr.
GENERAL

A/50/124
S/1995/229
28 March 1995

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fiftieth session
Item 92 of the preliminary list*
THE SITUATION IN THE OCCUPIED
TERRITORIES OF CROATIA

SECURITY COUNCIL
Fiftieth year

Letter dated 28 March 1995 from the Permanent Representative of Croatia to the United Nations addressed to the Secretary-General

I should like to draw your attention to the enclosed list of 51 former officers of the "Yugoslav People's Army - JNA", presently commissioned into the "Army of Yugoslavia", who have been detached on active duty to the occupied territories of Croatia. They continue to be compensated for their services by the Government of the "Federal Republic of Yugoslavia (Serbia and Montenegro)". In addition to the highest-ranked professional officers listed in the annex, there are approximately 6,000 other officers and petty officers commissioned in the "Army of Yugoslavia" who are detached to the general headquarters of the "Serbian Army of Krajina" and other paramilitary units in the occupied territories of Croatia; of these, there are an additional 30 colonels, 170 lieutenant colonels and 150 majors.

This is yet another confirmation of direct involvement of the Belgrade regime in the military occupation of the Republic of Croatia, as already established by the General Assembly in its resolution 49/43, and provides further evidence that the "Federal Republic of Yugoslavia (Serbia and Montenegro)" did not fulfil its obligation fully to withdraw the "JNA" from Croatia.

In this regard I should also like to draw your attention to Security Council resolution 871 (1993), which establishes a clear connection between the immediate demilitarization of the occupied territories and the involvement of the "Federal Republic of Yugoslavia (Serbia and Montenegro)" to the sanctions regime imposed on the "Federal Republic of Yugoslavia (Serbia and Montenegro)" in resolutions 757 (1992), 787 (1992) and 820 (1993).

* A/50/50.

I would kindly request your assistance in circulating the text of the present letter and its annex as a document of the fiftieth session of the General Assembly, under item 92 of the preliminary list, and of the Security Council.

(Signed) Mario NOBILO
Permanent Representative

Annex

1.	Major-General Mile Novakovic	"National Security Adviser" to the "President" of the "Republic of Serbian Krajina"

General headquarters of the "Serbian Army of Krajina"

1.	Lieutenant-General Milan Celeketic	Commander
2.	Major-General Dusan Loncar	Chief-of-Staff
3.	Major-General Mirko Bjelanovic	Deputy Chief-of-Staff
4.	Colonel Milan Lalic	Assistant Chief-of-Staff
5.	Colonel Marinko Gajic	Assistant Chief-of-Staff
6.	Colonel Savo Draskovic	Chief Inspector
7.	Colonel Vuk Obradovic	Chief of Intelligence Service
8.	Colonel Milan Skrleta	Commander of Special Units
9.	Colonel Nedjeljko Bubalo	Commander of Air Force

11th Eastern Slavonian Corps

1.	Major-General Dusan Loncar	Commander
2.	Colonel Stojan Spanovic	Chief-of-Staff
3.	Colonel Milojko Radakovic	Assistant Chief-of-Staff
4.	Colonel Dusan Grozdanic	Assistant Chief-of-Staff
5.	Colonel Kosta Novakovic	Assistant Chief-of-Staff
6.	Colonel Vojislav Stojkovic	Assistant Chief-of-Staff
7.	Colonel Stanko Cuk	Assistant Chief-of-Staff
8.	Colonel Dusan Grahovac	Chief of Intelligence Service
9.	Colonel Stojan Mladenovic	Commander of "Baranja Brigade"
10.	Colonel Rajko Novakovic	Chief-of-Staff of "Baranja Brigade"

18th Western Slavonia Corps

1.	Colonel Lazo Babic	Commander
2.	Colonel Slobodan Peric	Chief-of-Staff
3.	Colonel Djoko Milisic	Commander of Artillery
4.	Lt. Colonel Milan Jerkic	Assistant Chief-of-Staff
5.	Lt. Colonel Ljubinko Katic	Assistant Chief-of Staff

39th Banija Corps

1.	Colonel Zarko Gacic	Commander
2.	Colonel Milan Radmanovic	Executive Officer
3.	Lt. Colonel Milan Janjanin	Chief of Counter-intelligence Service
4.	Lt. Colonel Djoko Miljkovic	Chief of Intelligence
5.	Lt. Colonel Milan Krkovic	Sector Commander
6.	Lt. Colonel Mirko Martic	Intelligence Officer

21st Kordun Corps

1.	Colonel Veljko Bosanac	Commander
2.	Colonel Cedo Radovanovic	Deputy Commander
3.	Colonel Ljuban Ivkovic	Chief-of-Staff
4.	Colonel Savo Mrkonjic	Assistant Chief-of-Staff
5.	Colonel Dragan Kovacic	Commander of 11th Brigade
6.	Lt. Colonel Milos Gvozdenovic	Chief of Intelligence
7.	Lt. Colonel Ljubomir Vorkapic	Assistant Chief-of-Staff

15th Lika Corps

1.	Colonel Stevo Sevo	Commander
2.	Colonel Djoko Djakovic	Chief-of-Staff
3.	Colonel Stevan Mirkovic	Commander of Anti-aircraft Defence
4.	Colonel Nikola Rakovic	Chief of Finance Sector
5.	Colonel Ilija Obradovic	Chief of Communications
6.	Colonel Milivojevic	Deputy Commander
7.	Colonel Petar Vidakovic	Assistant Chief-of-Staff
8.	Lt. Colonel Nikola Suput	Chief of Intelligence
9.	Lt. Colonel Slavko Studen	Assistant Chief-of-Staff

7th Knin Corps

1.	Colonel Veso Kozomara	Commander
2.	Colonel Tihomir Alavanja	Chief-of-Staff
3.	Colonel Ilija Mijatov	Chief of Information Sector
4.	Colonel Marko Vrcelj	Assistant Chief-of-Staff

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1995/230
28 March 1995

ORIGINAL: ENGLISH

LETTER DATED 25 MARCH 1995 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

By its resolution 976 (1995) of 8 February 1995, the Security Council decided that the deployment of infantry units to the United Nations Angola Verification Mission (UNAVEM III) would take place on the basis of my informing the Council that the conditions contained in paragraph 32 of my report of 1 February (S/1995/97 and Add.1) had been met. In my further report to the Council of 5 March (S/1995/177), I indicated that in view of inescapable logistic constraints, this could be achieved only if I was in a position to notify the Council by 25 March 1995 that the parties had substantially complied with the above-mentioned conditions, which include the effective cessation of hostilities, provision of all relevant military data, and designation of all quartering areas. In a statement issued on 10 March (S/PRST/1995/11), the Council took note of my intention in this regard.

On 16 March 1995, I briefed the Security Council on my decision to send my Special Adviser, Under-Secretary-General Mr. Ismat Kittani, to visit Angola and to deliver letters to President José Eduardo dos Santos and Mr. Jonas Savimbi, President of the União Nacional para a Independência Total de Angola (UNITA). Mr. Kittani was also instructed to discuss with the Angolan parties the measures which they should urgently take to bring the military situation under control and to facilitate preparations for the deployment of UNAVEM III.

Mr. Kittani visited Angola from 17 to 22 March. He met with Mr. Savimbi in Bailundo on 19 March and with President dos Santos in Luanda the next day. In the course of his visit, he also met with the Prime Minister of Angola, the President of the National Assembly, the heads of the Government and UNITA delegations to the Joint Commission, the General Secretary of the MPLA, the Ambassadors of the three observer States (the United States, Portugal and the Russian Federation), members of the diplomatic corps, and the head of the Catholic Church in Angola.

In his discussions with the Government and UNITA, in which my Special Representative, Mr. Alioune Blondin Beye, participated, Mr. Kittani conveyed to them my concern regarding the status of the cease-fire and the parties' failure to cooperate fully with UNAVEM III. It was stressed that members of the Council

need to have convincing evidence that both the Government and UNITA have renounced the military option and are genuinely committed to the peace process.

Both President dos Santos and Mr. Savimbi assured my Special Adviser that they are fully committed to the implementation of the Lusaka Protocol and are strongly in favour of the accelerated deployment of all United Nations troops. They undertook to create the political, military and logistic conditions conducive to such deployment. The need to expedite the dispatch of United Nations-formed units was also stressed by various other interlocutors, including the representatives of the three observer States.

Mr. Kittani has also reported to me that, while the conditions stipulated in Security Council resolution 976 (1995) have not been fully met, some progress has recently been made in the effective cessation of hostilities, the disengagement of troops, the establishment of verification mechanisms, the modalities for integration of military forces, and other essential tasks. Moreover, it is clear that it is becoming increasingly necessary to assist the parties in overcoming their mutual mistrust and to create additional impetus to the peace process.

In light of the above, and with a view to avoiding dangerous delays in the implementation of the Lusaka Protocol which might destabilize conditions on the ground, I have decided that it would be in the best interest of the peace process to proceed with preparations for the deployment of United Nations infantry units to Angola. I fully realize that there are certain risks involved in the above decision. As a result of the brief suspension of preparations for the deployment of United Nations troops to allow a reassessment of the situation, it is already slightly behind the original schedule. However, I must stress that, unless the Angolan parties comply without delay with their commitments under the Lusaka Protocol and provide the indispensable logistic support to UNAVEM, it would not be possible to ensure that the deployment of United Nations infantry to Angola would begin in May. I intend to submit to the Council by 8 April a further report on UNAVEM III, with additional observations regarding the cooperation of the parties.

As the Security Council has emphasized, time is short, and the opportunities created by the Lusaka Protocol and Security Council resolution 976 (1995) should not be lost. The efforts of the United Nations must be matched by an unambiguous political will and concrete action by the Angolan parties. In the meantime, the United Nations will continue with all necessary logistical preparation for UNAVEM III, including the deployment of support units, as well as all other necessary preparations for the dispatch of the infantry battalions.

I would be grateful if you would bring these matters to the attention of the members of the Security Council.

(Signed) Boutros BOUTROS-GHALI

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1995/231
28 March 1995

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL ON THE SITUATION IN SOMALIA SUBMITTED IN PURSUANCE OF PARAGRAPH 13 OF SECURITY COUNCIL RESOLUTION 954 (1994)

I. INTRODUCTION

1. The present report is submitted in pursuance of resolution 954 (1994) of 4 November 1994, by which the Security Council decided to extend the mandate of the United Nations Operation in Somalia (UNOSOM II) for a final period until 31 March 1995. In paragraph 13 of the resolution, the Council requested me to report to it before 31 March 1995 on the situation in Somalia and to submit suggestions concerning the role that the United Nations could play in Somalia beyond that date.

2. The present report covers the political developments since my last report (S/1994/1166) dated 14 October 1994. It includes a general assessment of what has been achieved by the United Nations in Somalia in political, humanitarian, military and security matters and the police and justice programme, as well as financial aspects, followed by a section on the withdrawal of UNOSOM II. The report also presents some thoughts on the role that the United Nations could play in Somalia beyond the conclusion of UNOSOM II's mandate on 31 March 1995.

II. POLITICAL DEVELOPMENTS SINCE THE LAST REPORT

3. On 14 October 1994, 12 factions and organizations associated with the Somali National Alliance (SNA) announced in a memorandum their decision to convene a national reconciliation conference in Mogadishu on 27 October 1994. They appealed to the leaders of four of the signatories to the Addis Ababa agreement (S/26317) aligned with the Group of 12, namely the Somali Democratic Movement (SDM), the Somali National Front (SNF), the Somali Patriotic Movement (SPM) and the United Somali Party (USP), to join them in that conference and, inter alia, requested UNOSOM II to extend invitations for the conference to the Chairmen of 16 factions and organizations listed in the memorandum. These 16 factions included splinter groups from the Somali African Muki Organization (SAMO), the Somali National Union (SNU) and the Southern Somali National Movement (SSNM), which have no official standing within the context of either the Addis Ababa agreement or the Nairobi declaration (S/1994/614, annex I).

4. Following the publication of the memorandum of 14 October 1994, my Special Representative urged all Somali leaders to intensify their consultations in order to facilitate the convening of a broad-based or all-inclusive national reconciliation conference, which would include the representatives of all the recognized factions from the two sides, namely the SNA and the Group of 12.

5. On 17 October 1994, the Group of 12 addressed an appeal to the SNA for the two sides to come together in a broad-based conference with the participation of all signatories to the Addis Ababa agreement and the SNM. The Group of 12 adopted a charter on 23 October 1994 by which it officially reconstituted itself into the Somali Salvation Alliance (SSA), an umbrella organization of 14 factions and organizations originally formed in February 1994. Mr. Ali Mahdi was elected Chairman of the Alliance.

6. Despite the intensive contacts and informal consultations that followed, the two sides did not succeed in reaching agreement on the convening of an all-inclusive conference. Consequently, my Special Representative appealed to the SNA factions to postpone the convening of their conference in order to allow more time for consultations with the SSA. On 26 October 1994, the SNA factions announced the postponement of the convening of their conference to 1 November 1994 in deference to the impending visit of the Security Council mission to Somalia.

7. The Security Council mission, led by H.E. Mr. Colin Keating, Permanent Representative of New Zealand, visited Somalia from 26 to 27 October 1994 and met with the leaders of the SSA and the SNA factions and organizations respectively to convey to them the special message from the Security Council on the situation in Somalia and on the future of the United Nations presence there (see S/1994/1245, annex II).

8. On 1 November 1994, however, the SNA factions convened their unilateral conference in south Mogadishu with a view to establishing an interim Government within 45 days. On the same day, my Special Representative issued a statement in which he pointed out that the unilateral decision of the SNA factions to hold their own conference was contrary to the understanding reached between them and all other concerned factions that invitations for a national reconciliation conference would be extended by UNOSOM II to the leaders of recognized factions, after the completion of the necessary consultations. On this basis, my Special Representative declined an invitation to attend the SNA-sponsored unilateral conference in an observer capacity. From that point on, there was a rift between General Aidid and my Special Representative, who continued to take the position that the national reconciliation conference must be all-inclusive and that the United Nations would not be in a position to support a partisan Government.

9. Mr. Ali Mahdi, on his part, convened a parallel meeting of SSA leaders in north Mogadishu to prepare their response to the anticipated announcement of an interim Government by the SNA-sponsored conference. On 3 November 1994, the SSA leaders informed my Special Representative that they had completed contingency plans to establish their own national Government in the event that the SNA-sponsored conference unilaterally announced an interim Government. They also expressed the view that the SNA-sponsored conference contravened all

agreements previously reached among the recognized factions and reiterated their position that the solution to the Somali crisis could come only from a national reconciliation conference with the participation of all recognized political organizations and all strata of Somali society, including traditional chiefs and elders, religious leaders, intellectuals, and women.

10. My Special Representative continued to emphasize to both sides the need to have a genuine all-inclusive and broad-based conference, and offered facilities at UNOSOM II headquarters for the SSA and the SNA factions to hold further consultations aimed at reaching agreement to this end. He warned both sides that UNOSOM II would extend the necessary assistance only for such a conference.

11. The SSA and the SNA factions eventually appointed six representatives each, who held a series of meetings in south Mogadishu from 4 to 8 November 1994 to discuss substantive issues relating to the convening of a national reconciliation conference, including the question of a preparatory meeting. The meetings, however, resulted in a stalemate. Subsequently, in further efforts to break this deadlock, UNOSOM II facilitated two meetings at its headquarters between Mr. Ali Mahdi and Col. Abdullahi Yusuf Ahmed, Chairman of the Somali Salvation Democratic Front (SSDF), who had been mandated by the SNA factions and organizations to discuss on their behalf the convening of an all-inclusive conference with the SSA. At the request of both the SNA and the SSA, UNOSOM II also arranged for General Mohamed Said Hersi "Morgan", Vice-Chairman of SPM/SSA, to travel from Kismayo to Mogadishu for consultations. While in Mogadishu, General Morgan met separately with Mr. Ali Mahdi and the SSA factions and with Col. Abdullahi Yusuf in an effort to reconcile the SSA and the SNA factions. Other faction leaders from the two sides held meetings at UNOSOM II headquarters with a view to facilitating agreement between them.

12. These efforts did not yield any further progress and, by the beginning of December 1994, the parallel SNA conference and the SSA meeting were indicating their intentions to announce their separate Governments. These potentially destabilizing moves have not so far materialized and the SNA conference and the SSA meeting are still in session. Their discussions have reportedly focused on the nature of a federal system of government, the powers of the central Government vis-à-vis regional authorities, the distribution of government posts and the drafting of a transitional charter. It was also reported that the four committees established at the opening of the SNA-sponsored conference to deal with reconciliation, rehabilitation, security and drafting of a charter respectively had completed their work.

13. My Special Representative visited Addis Ababa on 29 December 1994 to meet with President Meles Zenawi of Ethiopia and discuss ways of bringing Mr. Ali Mahdi and General Aidid together to resolve their differences over the convening of a genuine national reconciliation conference. President Meles Zenawi has been acting under the mandate of the Organization of African Unity (OAU) and the Intergovernmental Authority on Drought and Development (IGADD). Following these discussions, the President of Ethiopia sent a fact-finding mission to Somalia at the beginning of January 1995, which maintained close contact with my Special Representative. Subsequently, at the beginning of March 1995, President Meles Zenawi dispatched to Somalia a delegation of ethnic Somali leaders from Ethiopia, Kenya and Djibouti in order to persuade political

and traditional leaders throughout the country to come together and work for national reconciliation.

14. Also in December 1994, a delegation of the League of Arab States (LAS) visited Somalia and met with the SSA and the SNA factions to assist in expediting the process of national reconciliation. Subsequently, LAS, jointly with OAU and the Organization of the Islamic Conference (OIC), held a meeting on Somalia in Cairo on 22 and 23 February 1995 at which the United Nations participated as an observer. The participating organizations agreed on the need to continue and intensify joint efforts to assist the Somalis in reaching national reconciliation as soon as possible. To that end, they decided to send a joint mission to Addis Ababa to hold consultations with the Central Organ of the OAU Mechanism for Conflict Prevention, Management and Resolution at a date to be determined.

15. Meanwhile, contacts between the SSA and the SNA factions continued through January and February 1995 to discuss new initiatives offered by both sides to break the political impasse. On 6 February, the SSA formally presented its plan of action, which is a proposal for national reconciliation in Somalia. The proposal called for the convening of a unified and all-inclusive national reconciliation conference on 25 February 1995 or any other agreed date, which would include representatives from the SSA, SNA, SNM and Mr. Egal's alliance from the north-west, as well as traditional chiefs and elders, religious leaders, intellectuals and women. The United Nations would play a mediatory and supportive role in the preparation and convening of the conference. In a press conference on that occasion, Mr. Ali Mahdi stressed that the SSA plan of action was merely a proposal that was subject to modification. Expressing the hope that the SNA would react favourably to the proposal, he stressed that no one political faction or alliance could form a Government of national unity.

16. In the weeks preceding the withdrawal of UNOSOM II, my Special Representative held discussions, initiated in January 1994 and continued since then, with the SNA and the SSA to urge them to form joint committees to manage the operations of the Mogadishu seaport and airport. In January 1995, the SSA and the SNA succeeded in establishing a negotiating committee. Following the announcement of the SSA plan of action, the SNA-SSA negotiating committee was given a wider mandate to coordinate political and economic matters relating to reconciliation among the Habr Gedir and Mudulood clans, work out modalities for bringing General Aidid and Mr. Ali Mahdi together and merge the two separate conferences/meetings on national reconciliation sponsored by the SNA and the SSA respectively.

17. On 19 February 1995, Mr. Ali Mahdi and Mr. Osman Hassan Ali "Atto", a high-ranking official of the SNA, had a meeting that led to significant political developments during the last two weeks of UNOSOM II's withdrawal. On 21 February 1995, a peace agreement was signed by General Aidid and Mr. Ali Mahdi on behalf of the SNA and the SSA respectively to promote national reconciliation and a peaceful settlement. In that agreement, the two sides, inter alia, accepted the principle of power-sharing; pledged not to seek the presidency through military means but through democratic elections; agreed to the resolution of disputes through dialogue and peaceful means; and agreed on a common platform for tackling problems. It also included provisions for the

confinement of "technicals" to designated areas and discouraged the open carrying of arms in the streets of Mogadishu. In addition, it called for the removal of roadblocks and the reopening of the main markets in the city.

18. In another significant development, on 23 February 1995, the two sides reached agreement on the establishment of two joint committees to manage the operations of the Mogadishu airport and seaport. This agreement was endorsed by General Aidid and Mr. Ali Mahdi. It provides a basis for cooperation between the Somali parties and organizations within the United Nations system. UNOSOM II and the United Nations agencies have committed themselves to provide assistance to the two committees. The Mogadishu seaport was reopened to civilian traffic on 9 March under the administration of the joint committees of the SSA and the SNA. The reopening of the seaport resulted from the signing of a third agreement between Mr. Ali Mahdi and General Aidid on 5 March 1995. This agreement allowed for the resumption of operations at the seaport in view of the need to offload ships and dhows carrying badly needed commodities. On 8 March, the two leaders initialled a fourth agreement to establish a security committee comprising militia and police officers from both sides. The security committee would ensure the exclusion of unauthorized "technicals" from the airport and seaport and arrange for the police force to provide security inside these facilities, while joint militias with specially marked "technicals" would secure the outer perimeters as well as the routes used to deliver commodities to the markets.

19. My Special Representative has extended an invitation to the chairmen of the two committees to visit Nairobi for consultations with the United Nations Coordination Team (UNCT) (see para. 35 below) in order to discuss arrangements for reactivating civilian operations at the airport and seaport. One subject to be discussed is the return to Mogadishu of the equipment for operating the seaport and airport facilities, without which only small ships can be serviced. This equipment, currently stored in the United Nations logistics base in Brindisi, Italy, will be returned to Mogadishu when conditions permit. In the meantime, I agreed provisionally with the International Civil Aviation Organization (ICAO) that it would continue to act in civil aviation matters with regard to Somalia, pending further guidance from the Council and/or the re-establishment of governmental authority in Somalia.

20. The signing of these agreements has had a salutary effect on the political process as a whole, with both the SNA and the SSA emphasizing that there will be no more war between them. My Special Representative has reported that, on the basis of the agreements reached, the SNA and the SSA militias are presently collaborating in providing security at the Mogadishu airport and seaport in cooperation with the Somali police force. As a result of these agreements and arrangements, the situation in Mogadishu has improved, and it is understood that both sides have now settled down to serious discussions on the convening of a broad-based national reconciliation conference. Also on their agenda are the establishment of a regional council and the appointment of a governor for the Benadir region (Mogadishu).

21. During the reporting period, UNOSOM II continued to encourage and assist the Somali people to establish district councils. On 20 November 1994, it certified the district council for the city of Kismayo, bringing the number of

district councils to 58 out of a total of approximately 92. In addition, 8 out of a total of 18 regional councils have also been established. There is continued interest in the formation of district and regional councils. In recognition of their importance, I authorized UNOSOM II, during its withdrawal phase, to donate to them some essential equipment, including generators, water pumps, office equipment and furniture. In Mogadishu, I also approved the donation of four generators in order to facilitate the continued provision of potable water to the city and its surrounding villages. The United Nations Development Programme (UNDP) has agreed in principle to support institution-building in Somalia in the post-UNOSOM II era and to extend necessary assistance to the regional and district councils to strengthen their capacity for local government and administration. UNDP is currently discussing funding arrangements in regard to assistance to these councils with interested donors, including the Life and Peace Institute of Sweden.

III. ASSESSMENT OF THE ACHIEVEMENTS OF THE UNITED NATIONS IN SOMALIA

A. Political aspects

22. From the beginning of the United Nations involvement in Somalia, the attainment of cease-fires and the promotion of national reconciliation have been among the Organization's major goals. To help to achieve national reconciliation, two major conferences were held with the assistance and support of the United Nations, namely the National Reconciliation Conference in March 1993, which yielded the Addis Ababa agreement, and the consultations in Nairobi in March 1994, which led to the Nairobi declaration. There was significant representation of the civil society of Somalia at each of these major conferences. More than 250 representatives of community organizations, elders, scholars, as well as women's groups, participated in the Addis Ababa Conference, while a significant number of elders was present at the consultations in Nairobi. Although the implementation of these agreements has been forestalled by subsequent developments, the two agreements continue to serve as the major frame of reference in the Somali parties' discussions of a political settlement.

23. The United Nations has also sponsored interclan reconciliation meetings at the local level. These include the Jubaland Peace Conference in June and August 1993, the Garowe Peace and Cooperation Conference in December 1993, the Digil/Merifle-Rahanweyn-Aulihan Conference in Bardera in February 1994, the Lower Juba Region Reconciliation Conference in June 1994 and the Absame Reconciliation Conference from June to July 1994. These conferences, and the agreements that resulted from them, have significantly contributed to the prevention of interclan fighting, largely limiting the area of conflict to south Mogadishu.

24. The United Nations has also helped to arrange a series of cease-fires, starting in February 1992, when the consultations that I had convened with the representatives of Mr. Ali Mahdi and General Aidid yielded the first cease-fire agreement in Mogadishu. That cease-fire was expanded into a nationwide cease-fire in January 1993. When a resumption of fighting in Kismayo threatened

the relative peace in the Lower Juba area in February 1994, my Acting Special Representative was instrumental in re-establishing the cease-fire. He also used the occasion to bring the numerous parties concerned to intensive consultations in Nairobi, which led to the Nairobi declaration in March 1994. More recently, my Special Representative has worked closely with prominent elders to mitigate the sporadic, but at times intense, interclan fighting that resumed in south Mogadishu in June 1994. Combined with the stabilizing effect of the peace-keeping force, these efforts have contributed greatly to the achievement and maintenance of relative peace in Somalia as a whole.

25. As already mentioned, UNOSOM II has certified 58 district councils to date, including the 2 district councils in the Sanaag region in the north-west, which were formed in response to the wishes of the people there. It has also certified 8 regional councils out of a total of 18. UNOSOM II, in collaboration with the Life and Peace Institute, has given assistance to district and regional councils by refurbishing or rebuilding their offices and providing them with administrative kits and equipment, as well as by organizing seminars for district and regional counsellors in administration and management. In addition, the Life and Peace Institute has assisted district and regional councils through food-for-work projects. The SNA's opposition to the formation of these councils, however, has prevented the creation of the Transitional National Council (TNC), which the Addis Ababa agreement envisaged would be formed from the representatives of the district and regional councils. It is hoped that these councils will be able to function as partners of the international community in rehabilitation and development when security permits.

B. Humanitarian aspects

26. By 1992 Somalia was a devastated country. The magnitude of human suffering was overwhelming as hundreds of thousands of lives were lost as a result of civil war, drought and famine. In the famine zones, approximately one third of all Somali children under the age of five died from starvation and diseases related to malnutrition. Out of a total estimated population of 8 million Somalis, 4.5 million lives were at risk, including 1 million children. Farms were destroyed, livestock killed, food harvests burned and homes razed to the ground. Some 2 million persons had been violently displaced from their home areas and fled either to neighbouring countries or elsewhere within Somalia. Towns and cities were plunged into a nightmare of insecurity. All institutions of governance, and at least 60 per cent of the country's basic infrastructure, had disintegrated.

27. Despite these conditions of anarchy and extreme insecurity, the International Committee of the Red Cross (ICRC) and a number of non-governmental organizations (NGOs) determinedly maintained a continuous presence in the country, providing humanitarian relief to hundreds of thousands of Somalis. Although the United Nations Children's Fund (UNICEF) - already present in the north of Somalia - recommenced operations in Mogadishu in December 1991 and was joined three months later by the World Food Programme (WFP), the United Nations involvement in the delivery of humanitarian assistance began in earnest in mid-1992. Through the combined efforts of the United Nations, ICRC and NGOs, humanitarian assistance programmes expanded and over a quarter of a million

lives are estimated to have been saved during the famine emergency, while millions of Somalis were able to benefit from humanitarian relief.

28. Since then, the humanitarian situation in Somalia has changed dramatically in a number of respects. Drought conditions, which were particularly acute in 1992 and 1993, have improved considerably. In 1994, the April-June Gu (short rain) season harvest was very successful and reached close to 75 per cent of pre-war production of basic cereals, while the September-January Der (long rain) harvest exceeded pre-war levels. The timely provision of food and non-food relief through the humanitarian assistance programme also contributed significantly to the prevention of a new famine emergency. At the height of the famine between 1992 and 1993, WFP delivered an average of 35,000 tons of food per month to approximately 1.5 million Somalis. By the end of 1994, food-for-work schemes had replaced free distribution as the main mode for delivery of food assistance, and the number of direct recipients of relief assistance from WFP dropped to around 21,000 people per month, with a further 280,000 Somalis benefiting from food-for-work schemes. By December 1994, WFP was delivering up to 6,000 tons of food monthly and in 1995 it plans to channel around 10,000 tons of food into Somalia each month. WFP intends to use its food resources as an incentive to encourage Somalis to participate in a variety of institutional rehabilitation and reconstruction programmes, while continuing to provide supplementary feeding assistance and food to vulnerable groups when necessary.

29. Since the start of the relief and emergency programmes of the Food and Agriculture Organization of the United Nations (FAO) in 1992, vegetable and cereal seeds, farm tools and pesticides have been successfully distributed to around 300,000 destitute farmers and their families. More recently, the efforts of humanitarian organizations in the areas of agriculture and fisheries have focused mostly on sustainable agricultural and rural development under the direction of FAO. United Nations agencies and NGOs have worked to resuscitate Somalia's agricultural production by assisting in the rehabilitation of agricultural infrastructure and capacity-building. A UNICEF-supported project in southern Somalia provided seeds and tools to support the resettlement of 60,000 displaced farmers. In 1994, FAO provided targeted community assistance in agriculture and livestock to approximately 80,000 farming families, moving away from large-scale distribution of seeds and tools. The provision of veterinary drugs and the vaccination of animals by FAO and NGOs has led to a reactivation of exports, with an estimated total of around 500,000 livestock having been exported since 1993.

30. Up to 1.5 million Somalis, or roughly 25 per cent of the total population, were displaced inside Somalia or in neighbouring countries between 1991 and mid-1993. Of this number, a total of 121,630 refugees and 45,327 internally displaced persons have been successfully reintegrated into their home areas with the assistance of the United Nations agencies, national and international NGOs, ICRC and the Intergovernmental Organization for Migration (IOM). As conditions in their home areas improved, a further 80,430 refugees have returned to Somalia spontaneously. Approximately 500,000 Somali refugees remain in neighbouring countries. While the numbers of internally displaced persons registering to return home doubled from 71,000 in June 1994 to over 150,000 in December 1994,

there are still 350,000 internally displaced persons, almost half of whom are in Mogadishu.

31. Between 1992 and 1995, UNICEF and its NGO partners vaccinated well over 1 million Somali children and women against diseases such as measles, tuberculosis and tetanus. Since 1992, UNICEF has provided supplementary food and other assistance for approximately 600,000 beneficiaries. These include, since May 1993, an average of 65,000 vulnerable children and women per month, as compared to 168,000 in January 1993. These figures, considerably lower than those prior to May 1993, reflect generally improved food availability in much of central and southern Somalia. Access by the Somali population to health services and facilities has improved greatly. The factors contributing to this development include the continuing distribution by the World Health Organization (WHO) of essential drugs and medical supplies to cover the needs of some 2.2 million Somalis since 1992, as well as the availability, under the auspices of UNICEF and WHO, of the skilled services of an additional 1,800 professional health workers who have been trained and technically supervised in emergency preparedness, health planning and management, and in the diagnosis and treatment of malaria, tuberculosis, cholera and other illnesses. WHO provided basic drugs and medical equipment to 11 hospitals, 113 national NGOs and 46 international NGOs working in the health sector. Logistical support and other assistance is being provided by UNICEF for the rehabilitation of the public health infrastructure, including some 450 health posts, centres and hospitals.

32. Between 1991 and 1992 the lack of access to potable water resulted in devastatingly high rates of mortality and morbidity from diarrhoeal diseases. Since June 1992, UNDP has operated the Afgoy well-field which provides piped water to over 1 million residents of Mogadishu and which has been rehabilitated to 40 per cent of its pre-war efficiency, a factor that has contributed greatly to preventing the spread of large-scale epidemics caused by contaminated water from shallow wells. Agencies estimate that the cholera epidemic that struck various parts of Somalia during the early months of 1994 caused 1,349 deaths out of a reported total of 34,789 cases. This epidemic would have wrought much greater devastation in the absence of a functioning water supply system. WHO has established laboratories in Somalia for water-testing and for the diagnosis of cholera and other epidemics. Over the past three years, UNICEF has assisted in the reactivation of 8 urban water supply systems, the chlorination of more than 1,200 water sources daily during the cholera epidemic and the construction of 380 wells and 12 boreholes, thereby increasing access to potable water to over 1.5 million people in Somalia.

33. Similar developments have taken place in the field of education. Since January 1993, the United Nations Educational, Scientific and Cultural Organization (UNESCO) has catered for the educational needs of more than 250,000 children through the reintroduction of a standardized curriculum, the provision of more than 1 million textbooks and teacher guides. UNESCO has also provided teacher training for 267 schools with a total student population of over 150,000. UNICEF, in conjunction with UNESCO, has trained 550 primary school teachers throughout Somalia. Access to education for Somalis has expanded through UNESCO's teacher emergency packages, developed for use in rural areas and in refugee and internally displaced person camps where school buildings do not exist or are in a state of disrepair. UNESCO also continues to carry out

workshops and refresher courses for headmasters and teachers in Somalia, and has carried out a mine-awareness campaign for 30,000 Somali refugees in camps in Kenya. To date, more than 500,000 Somalis have received basic education and training through UNESCO programmes. Since 1993, UNICEF has helped to form school committees in 115 communities, provided material and rehabilitation assistance to around 450 schools, including community-based Koranic schools and undertaken activities that have benefited over 150,000 pupils in Somalia.

34. In the light of these developments, the humanitarian assistance programme in Somalia has shifted its focus towards a consolidation of its achievements. The challenge for the United Nations and its humanitarian partners is to sustain this progress in Somalia's conflict-ridden environment and, concomitantly, to move forward to rehabilitation, recovery and reconstruction, without prejudice to emergency relief where this is necessary.

35. To meet this challenge in a post-UNOSOM II era, a United Nations Coordination Team (UNCT) was established under the chairmanship of the UNDP Resident Representative, who is also the Humanitarian Coordinator. With the assurances provided by the donor consortium for Somalia, i.e. the Somalia Aid Coordination Body, that it will maintain support to humanitarian programmes in Somalia, UNCT is, among other things, interacting with national and international NGOs as well as with the donor community in an effort to harmonize and ensure coherence among the activities of operational partners. The Humanitarian Coordinator also intends to formalize a coordinated relationship with recognized district and regional councils to ensure that the task of rebuilding Somalia also lies in the hands of dedicated and capable Somalis.

36. The United Nations agencies and organizations will monitor and report on the humanitarian situation in Somalia through the continued presence of national and international humanitarian staff working throughout the country. To improve the coordination of activities and programmes of the humanitarian partners, the active linkages established by UNCT with the donor and NGO communities will be intensified at the field level to maximize the use of available resources among the humanitarian partners.

37. The humanitarian agencies expect that for the foreseeable future they will continue to operate in a context of political unrest and against a background of uncertainty. Their commitment to remain in Somalia depends on the demonstration of good will and cooperation by the Somali people and leaders. Without the active support of the Somali people, it is unlikely that future humanitarian programmes will meet with much success, and more than likely that the gains, made through the combined efforts of international agencies and committed Somali partners, will be undone.

38. In the absence of national institutions capable of coping even with minor emergencies, Somalia will remain vulnerable to future disasters. Humanitarian relief needs will almost certainly continue for a while, requiring targeted interventions on the part of the humanitarian agencies so as to ensure that the country does not revert to another crisis. To this end, the Department of Humanitarian Affairs of the United Nations Secretariat launched a United Nations consolidated inter-agency appeal for Somalia, covering a period of six months beginning in January 1995. The agencies requested a total of US$ 70 million for

their activities during the first half of 1995. Most of the activities will be community-based and will thus rely fully on the involvement of the Somali people. United Nations agencies will provide support to capacity-building programmes, while assisting local NGOs as well as community-based organizations in the areas of relief and initial rehabilitation. The focus will encompass assistance in the areas of agriculture, fishing and reconstruction. At present, UNDP continues with the implementation of integrated, community-based rehabilitation that includes schools and water systems. It has also launched credit schemes for women, as well as activities aimed at income generation. The ongoing implementation by the Office of the United Nations High Commissioner for Refugees (UNHCR) of quick impact programmes is providing the stability required for the return in 1995 of some of the over 500,000 Somalis who remain refugees. Its renovation and rehabilitation of essential facilities complements the activities of IOM with internally displaced persons.

39. One of the critical issues for Somalia will be the need to provide jobs for the large numbers of unemployed and thus to contribute to the revitalization of the economy and stimulate the productive capacities of communities devastated by war. The United Nations agencies have factored this consideration into their planning for 1995. Another critical issue for the humanitarian agencies and for the Somali people is that of demobilization. In 1994, around 25,000 demobilized militia were assisted by UNDP and other United Nations agencies. The success of the demobilization programmes planned by the agencies in 1995, through the provision of skills training and food-for-work incentives, will have far-reaching effects for the peace and reconciliation process and for the stability of the country.

40. It is essential that the progress made by the United Nations agencies, international organizations and national and international NGOs over the past three years should not be reversed. To date the United Nations appeal for Somalia has received less than 10 per cent of the resources requested. I urge the international donor community to provide funding for the activities planned by United Nations agencies and other relief organizations. Such funding is urgently needed not only for the achievement of these objectives, but also to ensure that Somalis are in a position to rebuild their society and break the cycle of despair.

C. Deployment of military personnel

41. Following the introduction in mid-1992 of 50 unarmed military observers and 500 security personnel, the United Nations deployed up to 30,000 military and logistic personnel after the withdrawal of the Unified Task Force in Somalia (UNITAF) in early May 1993. In addition to the mandate approved by the Security Council for the establishment of a secure environment in which humanitarian assistance could be delivered and distributed safely, the UNOSOM forces undertook activities ranging from providing security escorts for humanitarian convoys to conducting specialized courses for the Somali police. They also assisted in the implementation of community development projects and in the provision of medical aid to Somali civilians.

D. Police programme

42. It will be recalled that UNOSOM II was mandated to assist Somalis in the re-establishment of a 10,000-strong Somali police force by the end of 1994. However, financial constraints made it necessary to reduce the contemplated force strength to 8,500. As of 1 March 1995, this number was operational in Somalia, 2,000 of them being deployed in the north-west region.

43. The police training programme was actively pursued and, by the end of 1994, a total of 2,179 policemen of all ranks had attended refresher courses to revitalize lost or waned police skills resulting from years of absence from work as a result of the collapse of the Somali State machinery four years ago.

44. At the end of January 1995, Somali police were operational in 82 district stations. The police officers had a visible presence on the roads and in various communities. They engaged in foot or mobile patrols and other forms of static and fixed-point duties, receiving complaints from the public and conducting investigations into criminal cases. Under the programme, vehicles, communication equipment, typewriters, stationery, fuel and lubricants were supplied to the police to assist them in the discharge of their duties. Substantial quantities of police uniforms were also received from donors. Following the commencement of the withdrawal of UNOSOM II, vehicles and military equipment in stock from supplies provided by the donor community were shipped out of Somalia at the request of donor Governments.

45. The police programme administered by UNOSOM II was funded from voluntary contributions in cash and in kind by the donor community. International support for the programme, which included payment of salaries for the Somali police, will cease on 31 March 1995 with the expiry of the UNOSOM II mandate and the exhaustion of resources in the Trust Fund established for this purpose. Unless resources are made available to continue the programme beyond that date, the whole police programme will be jeopardized and security conditions in a number of areas might deteriorate. I appeal to the donor community for additional voluntary contributions for the Somali police programme that could be channelled through appropriate agencies operating in Somalia.

E. Justice programme

46. During the reporting period, training was provided by UNOSOM II for judicial personnel in judicial administration and ethics, juvenile justice, sentencing practices and attitudes, human rights and the rule of law. Currently, there are 11 appeal courts, 11 regional courts and 46 district courts functioning in all regions and 46 districts of Somalia, with a total staff of 374. All of these courts have been supported by UNOSOM II, including through the repair/refurbishment of some of the court and prison facilities. In addition, some vehicles were supplied.

47. UNOSOM II also provided support to 12 prisons, including food, water and medical services for inmates. Six hundred and seventy two custodial guards were certified and paid by UNOSOM II. WFP supplied dry rations and vegetable oil to the prisons.

48. Arrangements have been concluded with UNESCO to begin educational and vocational training programmes at the prisons, starting with Mogadishu Central Prison. UNESCO also expressed interest in taking over and continuing these components of the project after the departure of UNOSOM II.

F. Financial aspects

49. The total cost of UNOSOM I and UNOSOM II (1 May 1992-28 February 1995) was approximately US$ 1.64 billion. Contributions received for the Trust Fund for Somalia as of 10 March 1995 amounted to $21.6 million, consisting of $21.5 million for the re-establishment of the Somali police force and judicial system and $0.1 million for the support of UNOSOM II forces. Expenditures from the Fund for the re-establishment of the Somali police force and judicial system were authorized in the amount of $15.2 million.

50. The General Assembly, by its resolution 49/229 of 23 December 1994, provided an amount of $253,704,400 gross ($250,495,600 net) for the maintenance of UNOSOM II for the period from 1 October 1994 to 28 February 1995. The revised cost estimate for the final mandate period from 1 October 1994 to 31 March 1995 will be submitted to the resumed forty-ninth session of the General Assembly.

51. It should be noted that the cash-flow situation of the special account of UNOSOM II remains precarious. As of 10 March 1995, unpaid assessed contributions to the account since the inception of the Operation totalled $387.2 million ($15.0 for UNOSOM and $372.2 for UNOSOM II). Consequently, reimbursement of troop costs has been made only up to the period ending 30 September 1994. In addition, amounts are outstanding for contingent-owned equipment. The total unpaid contributions to all peace-keeping operations as at 10 March 1995 totalled $1,679 million.

IV. WITHDRAWAL OF UNOSOM II

52. The initial phase of withdrawal of UNOSOM II forces, following the Security Council's decision to that effect, entailed redeploying troops to Mogadishu from Baidoa, Baledogle, Afgoye and Kismayo. The pull-back from Kismayo was supported by an Indian naval task force, comprising two frigates, one logistic ship and six helicopters. Between 28 December 1994 and 5 January 1995, the Zimbabwean and Malaysian contingents were repatriated. The personnel of the Pakistani hospital was repatriated on 11 January 1995. Force headquarters staff was reduced by 50 per cent by 15 January 1995 and relocated from the Embassy Compound to the airport.

53. By 2 February 1995, with the repatriation of the Indian, Zimbabwean and Malaysian contingents, some force headquarters personnel and those of the Pakistani hospital, UNOSOM II troop strength was reduced to 7,956, comprising Pakistani, Egyptian and Bangladeshi contingents and the remaining force headquarters personnel. As the withdrawal accelerated, military support provided by UNOSOM troops to United Nations agencies, human rights organizations and NGOs still engaged in humanitarian activities was greatly reduced. With the

major reductions starting in mid-February, it was no longer possible for UNOSOM II troops to extend the necessary protection to humanitarian agencies within the city of Mogadishu. Accordingly, agencies were advised to evacuate their international staff to Nairobi by 14 February 1995.

54. The Humanitarian and Southern Compounds were vacated on 30 January 1995, leaving one platoon of the Pakistani Brigade to secure those buildings in the Southern Compound that were required for the tactical defence of the airport. The UNOSOM II administration moved ahead of schedule in vacating the University and Embassy Compounds and completed the task by 31 January 1995. Consequently, the Pakistani Brigade and all troops located in the area were relocated to the airport on 2 February 1995. Thereafter, all troops were concentrated in the airport, new seaport complex and the old seaport area.

55. From 8 to 10 February, Mr. Kofi Annan, Under-Secretary-General for Peace-keeping Operations, went to Somalia to review preparations for the complex final phase of the operation, in which a combined task force, commanded by Lt. General Anthony C. Zinni (United States of America) and composed of forces from France, India, Italy, Malaysia, Pakistan, the United Kingdom and the United States, was to assist the withdrawal. Mr. Annan met with my Special Representative, the Force Commander and civilian and military personnel from UNOSOM II, representatives of the United Nations humanitarian agencies and the NGOs and the Commander of the combined task force. He also examined possible arrangements for the continued United Nations presence in Somalia.

56. The withdrawal of UNOSOM II proceeded with minimal interruption. Under the plans elaborated by UNOSOM II in consultation with the combined task force, it was decided that the withdrawal would be completed by 6 March 1995, three weeks ahead of the time-limit set by the Security Council.

57. The final phase of the troop withdrawal started with the repatriation of approximately 1,750 Pakistani personnel from 12 to 15 February. This was followed by the repatriation of the Egyptian brigade, comprising 1,160 personnel, from 17 to 20 February. From 23 to 27 February, an additional 2,600 personnel from the Pakistani contingent and force headquarters staff were repatriated, leaving a balance of approximately 2,500 Pakistani and Bangladeshi military personnel, which constituted the UNOSOM II rearguard.

58. The Mogadishu seaport was handed over to the combined task force and closed to commercial traffic on 28 February. My Special Representative and his staff, as well as the Force Commander and the last remaining staff of the force headquarters, left Mogadishu by air on 28 February 1995. The withdrawal of the rearguard of UNOSOM II commenced on 27 February 1995 and was successfully completed on 2 March 1995. The combined task force forces that had landed in Mogadishu on 28 February 1995 to cover the withdrawal of UNOSOM II also departed from Mogadishu on 3 March without any casualty, thereby bringing operation "United Shield" to a successful conclusion.

59. The withdrawal of all international staff from Somalia was completed on 28 February 1995 with the exception of 25 United Nations civilian personnel and 11 contractual logistic staff plus 1 shipping representative. This group supervised the shipment of the last consignments of UNOSOM II assets committed

to the mission's rearguard. They were removed from Mogadishu with the UNOSOM II military rearguard on 3 March 1995. In addition to contingent-owned equipment, over 156,000 cubic metres of United Nations-owned and United Nations-leased assets valued at about US$ 120 million were shipped out of Somalia by sea and air during the last two months of UNOSOM II's presence. The UNOSOM II offices have been temporarily relocated to Nairobi. Force headquarters closed its operations in Nairobi on 8 March 1995. The withdrawal from Somalia was thus successfully completed well ahead of schedule in an orderly and organized manner, with all the soldiers and international staff of UNOSOM II, as well as the troops of the combined task force, able to leave Somalia safely.

60. Equipment worth US$ 235,761, which was vital for the support of local communities, was donated to Somali district councils. United Nations agencies operating in Somalia requested that some of UNOSOM II's residual assets be transferred to them, in order to facilitate the continuation of their humanitarian assistance and development projects after the withdrawal of UNOSOM II. Arrangements were made to sell some of these assets to them at depreciated cost.

61. Special arrangements were also made for the custody of UNOSOM II's communications equipment (estimated value US$ 500,000), which was moved to Nairobi. As soon as conditions allow the return of the United Nations political and agency offices to Mogadishu, the communications equipment will be brought back to Somalia to serve the needs of these offices.

V. OBSERVATIONS

62. The present report marks a point of transition in the efforts of the United Nations to succour a people and a country caught in the throes of famine, civil war and the collapse of all institutions of government. It has been a difficult mission that did not attain all the objectives that the Security Council set for it. Nevertheless, as the preceding sections of the present report have shown, the United Nations Operation in Somalia can claim major accomplishments, especially when one recalls that in late 1992 3,000 men, women and children were dying daily of starvation and this tragedy was ended by the international relief effort. As far as national reconciliation is concerned, the international community, through the efforts of UNITAF and UNOSOM I and II, strove to create an environment conducive for the Somali leaders to achieve this goal. The most the international community could do for the Somali parties was to afford every opportunity for them to agree among themselves on the modalities to re-establish their political and administrative structures based on a broad-based reconciliation, leading to the reconstruction of their country. If the political will to achieve a durable compromise was lacking, the responsibility lies with the Somali leadership.

63. Against this background, the Security Council took the decision under resolution 954 (1994) to withdraw UNOSOM II from Somalia by the end of March 1995. The Council had been prepared to pursue its peace-keeping efforts as long as it felt that the United Nations presence was receiving the cooperation of the Somali factions, thus enabling it to make a significant contribution. However, over the last few months, it was concluded that the

United Nations presence in Somalia was no longer promoting national reconciliation. There was no clear evidence of political will on the part of the warring parties to negotiate a mutually acceptable solution. Agreements reached under United Nations auspices unravelled and security continued to deteriorate, especially in Mogadishu. United Nations peace-keepers and humanitarian convoys were threatened and, in a number of instances, viciously attacked. The Somali leaders did not heed repeated warnings, including from the Council's own special mission in October 1994, that if they did not show a minimum of political will the United Nations presence would have to be reconsidered. In these circumstances, continuation of UNOSOM II could no longer be justified.

64. The experience of UNOSOM II has thus confirmed the validity of the point that the Security Council has consistently stressed in its resolutions on Somalia, namely that the responsibility for political compromise and national reconciliation must be borne by the leaders and people concerned. It is they who bear the main responsibility for creating the political and security conditions in which peacemaking and peace-keeping can be effective. The international community can only facilitate, prod, encourage and assist. It can neither impose peace nor coerce unwilling parties into accepting it.

65. There are also important lessons to be learned about the theory and practice of multifunctional peace-keeping operations in conditions of civil war and chaos and especially about the clear line that needs to be drawn between peace-keeping and enforcement action. The world has changed and so has the nature of the conflict situations which the United Nations is asked to deal with. There is a need for careful and creative rethinking about peacemaking, peace-keeping and peace-building in the context of the Somali operation. Some of my initial conclusions may be found in my recent position paper, the "Supplement to an Agenda for Peace" (S/1995/1).

66. On numerous occasions, I have stated that the withdrawal of UNOSOM II does not mean that the United Nations is abandoning Somalia. The United Nations agencies and organizations, as well as NGOs, have voiced their determination to continue humanitarian operations in Somalia. In 1994, they worked at introducing primary rehabilitation as the protective measure for sustaining the success achieved in the emergency relief phase. Their focus in the post-UNOSOM II era will be on rehabilitation, recovery and reconstruction, without prejudice to emergency relief where that is necessary. The fulfilment of this objective will also, however, depend primarily on the willingness of the Somali people to cooperate effectively and reliably with the agencies and NGOs. In view of the current security situation, all their international staff left Mogadishu on 14 February for other parts of Somalia and Nairobi. As of 20 March 1995, 30 international staff continue to operate in the country. As soon as the security situation permits, the international staff will return to Mogadishu where the agencies have retained skeleton offices run by Somali staff. Elsewhere in the present report, I have referred to the critical funding needs for the activities planned by United Nations agencies and for the police and justice programmes.

67. The experience of UNOSOM II has demonstrated the vital link between humanitarian assistance, which is geared towards the immediate amelioration of

emergency situations, and assistance in achieving national reconciliation, which is necessary to ensure stability in the long term so that the positive results of humanitarian assistance can be preserved and a recurrence of the tragedy avoided. The two must go together; one cannot be a substitute for the other. With this in mind, I will continue to make available my good offices to assist the Somali factions to arrive at a political settlement and I will maintain a political presence in the area for this purpose. The size and mandate of that presence will depend on whether the Somali factions want the United Nations to play a facilitating or mediating role and are ready to cooperate with it. Its location should be in Mogadishu but this will depend, initially at any rate, on security considerations. It was because of the lack of security in Mogadishu that I directed my Special Representative to move temporarily to Nairobi at the end of February; but it remains my intention to re-establish a United Nations political presence in Mogadishu as soon as practicable.

68. For the time being, I have instructed my Special Representative to remain in Nairobi, pending further instructions, in order to monitor the situation in Somalia and coordinate United Nations humanitarian activities there. I expect to be in a position to take decisions about the level and mandate of the United Nations political presence in Mogadishu by mid-April 1995, at which time I shall report my intentions to the Security Council. My present inclination is to maintain a small political office there consisting of a representative with a small support staff.

69. During the past few weeks, there have been some signs that the withdrawal of UNOSOM II may have triggered among Somali leaders an enhanced awareness of their responsibilities. If some Somali leaders perceived the presence of a large number of peace-keeping troops as a hindrance, this has now been removed, possibly encouraging them to restart a political process in their country. I am encouraged by the fact that the withdrawal of UNOSOM II has coincided with the signing of agreements that have so far helped to avert fighting over the sea and airports in Mogadishu and allowed the reopening of the Mogadishu seaport. During the last four weeks, Mr. Ali Mahdi and General Aidid concluded four political agreements which the SNA and the SSA are implementing in a joint effort. It is the first time since the Nairobi declaration of March 1994 that the two leaders have put their signatures to any peace agreement. These indications of a possible <u>rapprochement</u> between them may justify the hope that the Somali leaders will find the strength and the courage to pursue a more productive peace process in the coming weeks. While the recent history of Somalia suggests that such signs must be examined with caution, they could develop into an encouraging trend.

70. Elsewhere in the present report, I have given an account of the successful withdrawal of UNOSOM II with the generous support of the combined task force's "United Shield" operation. This was a complex exercise that required a sophisticated planning effort. It was implemented in a skilful and coordinated manner. I wish once again to express my gratitude to the Member States that joined together to support the United Nations in this way. It was an inspiring instance of international cooperation and mutual assistance.

71. In conclusion, I should like to record my appreciation to my Special Representative, Ambassador James Victor Gbeho, and the UNOSOM II Force

Commander, General Aboo Samah Bin Aboo Bakar, as well as to their predecessors, all of whom have demonstrated high qualities of leadership in difficult circumstances. My gratitude also goes to all the UNOSOM II civilian staff, international and Somali, and to the soldiers of all ranks from many countries who devoted themselves to translating into reality the commitments of the United Nations to the people of Somalia. This expression of appreciation applies equally to the personnel of the combined task force. Above all, I wish to pay a profound tribute to the UNOSOM II military and civilian staff, to the officials of United Nations agencies and programmes and to the staff of NGOs who made the supreme sacrifice to help Somalia in its hour of need. Finally, I should like to express my deep sympathy to the families of those who lost their lives as a result of the tragedies that befell Somalia over the past few years.

UNITED
NATIONS

A S

General Assembly
Security Council

Distr.
GENERAL

A/50/127
S/1995/232
29 March 1995

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fiftieth session
Item 92 of the preliminary list*
THE SITUATION IN THE OCCUPIED
TERRITORIES OF CROATIA

SECURITY COUNCIL
Fiftieth year

Letter dated 29 March 1995 from the Permanent Representative of Croatia to the United Nations addressed to the Secretary-General

I have the honour to enclose herewith the decision of the Sabor (Parliament) of the Republic of Croatia dated 28 March 1995, concerning the possible new international peace-keeping force in Croatia.

I would kindly request your assistance in distributing this letter and its annex as document of the fiftieth session of the General Assembly under item 92 of the preliminary list, and of the Security Council.

(Signed) Mario NOBILO
Permanent Representative

* A/50/50.

95-08985 (E) 290395 300395

/...

Annex

Decision of the Sabor (Parliament) of Croatia
dated 28 March 1995

The House of Representatives of the Parliament of the Republic of Croatia at its twenty-fourth session held on 28 March 1995,

Taking note of the report by the Minister for Foreign Affairs of the Republic of Croatia, Dr. Mate Granić, concerning the Copenhagen agreement relating to Croatia's international negotiations on the establishment of new peace mechanisms designed to facilitate the peaceful reintegration of the temporarily occupied territories into the constitutional and legal system of the Republic of Croatia;

Recalling its earlier decisions and resolutions, especially its request of 23 September 1994, its decision of 7 October 1994, and its declaration of 27 January 1995;

Has made the following

DECISION

1. The Parliament of the Republic of Croatia stands by its decision of 27 January 1995 to terminate the UNPROFOR mandate in the Republic of Croatia as of 31 March 1995.

In recognizing the appeals of the international community to continue an international presence in Croatia and in order to facilitate a peaceful solution on its own soil, the Republic of Croatia is prepared to accept an international force with a new mandate to be established through the United Nations following the termination of the present United Nations forces' (UNPROFOR) mandate on 31 March 1995, in compliance with the request by the Republic of Croatia.

2. The new international force, in both its name and its mandate, should be specifically defined for the Republic of Croatia, and should explicitly include in its name a reference to Croatia. In this respect, it should be separated from the international forces assigned to other States involved in the crisis in the south-east of Europe.

3. The mandate of the international force must clearly ensure the proper and efficient control of Croatia's international borders with Serbia/Montenegro and the part of Croatia's borders with Bosnia-Herzegovina under the control of the paramilitary units of Croatian Serbs. The mandate must also bring the border-crossing regime in those areas not controlled by Croatian authorities in line with Croatia's sovereignty, especially in line with United Nations Security Council resolution 820 (1993), paragraph 12, and United Nations Security Council resolution 769 (1992).

4. The United Nations mandate should include the following active measures for peace promotion:

(a) The disarmament and disbandment of all armed rebel groups and units and the demilitarization of the occupied Croatian territories;

(b) The withdrawal of all occupying forces from the occupied territories of the Republic of Croatia as well as preventing the entry of new forces or units into Croatia from Serbia/Montenegro or forces of the Bosnian Serbs from the territory of Bosnia-Herzegovina;

(c) Creating conditions for the safe return of all displaced persons;

(d) Ensuring the protection and safety of all persons who lived in the presently occupied territories of the Republic of Croatia before the Serbian aggression;

(e) Creating conditions for the immediate restoration of Croatian authority in the so-called pink zones and subsequently in all the presently occupied territories of the Republic of Croatia in accordance with the Croatian Constitution and the Constitutional Law on Human Rights and Freedoms and the Rights of Ethnic Communities or Minorities;

(f) Organizing local police forces corresponding to the pre-war national composition of local population; and

(g) Implementing other relevant United Nations Security Council resolutions, especially resolutions 815 (1993), 871 (1993) and 947 (1994), as well as United Nations General Assembly resolution 49/43.

5. The so-called Vance plan, an interim solution adopted prior to the international recognition of the Republic of Croatia and its admission to United Nations membership, is considered by the Croatian Parliament as an unacceptable legal and political basis for the continued presence and operation of international forces in the territory of the Republic of Croatia.

UNITED
NATIONS

A S

General Assembly
Security Council

Distr.
GENERAL

A/49/873
S/1995/233
29 March 1995

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-ninth session
Agenda item 51
QUESTION OF CYPRUS

SECURITY COUNCIL
Fiftieth year

Letter dated 29 March 1995 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter addressed to you by His Excellency Mr. Osman Ertuğ, representative of the Turkish Republic of Northern Cyprus.

I should be grateful if the text of the present letter and its annex, which contains a letter dated 29 March 1995 sent to you by His Excellency Atay A. Raşid, Minister for Foreign Affairs and Defence of the Turkish Republic of Northern Cyprus, would be circulated as a document of the General Assembly, under agenda item 51, and of the Security Council.

(Signed) İnal BATU
Ambassador
Permanent Representative

95-09128 (E) 310395 030495

/...

ANNEX

Letter dated 29 March 1995 from Mr. Osman Ertuğ addressed to the Secretary-General

I have the honour to enclose herewith a copy of a letter dated 29 March 1995 addressed to you by H.E. Mr. Atay A. Raşit, Minister for Foreign Affairs and Defence, in connection with a previous letter addressed to you by the Greek Cypriot Foreign Minister, Mr. Alecos Michaelides (A/49/865-S/1995/202).

I shall be grateful if the present letter and its appendix are circulated as a document of the General Assembly, under agenda item 51, and of the Security Council.

(Signed) Osman ERTUĞ
Representative
Turkish Republic of Northern Cyprus

APPENDIX

Letter dated 29 March 1995 from Mr. Atay A. Ragit addressed to the Secretary-General

I would like to refer to a recent letter addressed to you by Mr. Alecos Michaelides, the Foreign Minister of the Greek Cypriot administration, which was circulated as General Assembly and Security Council document A/49/865-S/1995/202 dated 16 March 1995, and to bring to your kind attention the following:

The apparent aim of the said letter, which is written ostensibly to protest against certain statements made by President Rauf Denktaş and Turkish Government officials in connection with the purported membership of "Cyprus" in the European Union (EU), is to keep the Cyprus issue high on the agenda of the international community by exploiting, for propaganda purposes, the current hiatus in the process of negotiations during the electoral period in Northern Cyprus. Furthermore, it sets out to confuse the issue of "integration", by glossing over the fact that it is the Greek Cypriot side which is after integration with Greece through various means, which may ultimately force the Turkish Cypriot side to take legitimate reciprocal measures in defence of its equal rights and very survival.

From the beginning, the Turkish Cypriot side has made its position on EU membership abundantly clear. There can be no doubt that the application to join the EU was made unilaterally by the Greek Cypriot side under the usurped title of the "Government of Cyprus". It is, therefore, devoid of any credibility and legal and moral basis, and cannot be binding on the Turkish Cypriot side or Cyprus as a whole.

The Zurich and London Agreements, which had established the bi-communal 1960 Republic of Cyprus, prohibited the membership of the Republic in international organizations and pacts of alliance in which Greece and Turkey are not both members. The Foreign Ministers of Turkey, Greece and the United Kingdom of Great Britain and Northern Ireland, only a few days before the signing of the Zurich and London Agreements on 19 February 1959, had agreed that the parties should "avoid the possibility of either Greece or Turkey securing a more favourable economic position in Cyprus than the other - of Greece for example, establishing a kind of economic enosis (union)".

The intention set out above was given effect in point 8 of the Zurich and London Agreements by expressly providing that the President or Vice-President would have, inter alia, the right of final veto on any law or decision concerning "the participation of the Republic of Cyprus in international organizations and pacts of alliance in which Greece and Turkey" do not both participate.

The clear intention of the parties to the Zurich and London Agreements, as expounded above, and the mandatory provision of the second paragraph of article 1 of the Treaty of Guarantee of 1960, which states that the partnership Republic of Cyprus established in 1960 under the said Treaties "undertakes not

to participate, in whole or in part, in any political or economic union with any State whatsoever", cannot be disputed and proves the intention to maintain an equitable balance between the respective interests of the two constituent communities and the Guarantor Powers on Cyprus.

Although the Greek Cypriot side, in collaboration with Greece, has systematically violated and tried to destroy the above-mentioned Agreements (vis., the repeated armed attacks on the Turkish Cypriots between 1963 and 1974 and the coup d'état of 15 July 1974, all aimed at annexing Cyprus to Greece or enosis), thanks to the resistance put up by the Turkish Cypriots and the timely, legitimate intervention by Turkey following the Greek coup of 1974, the underlying consideration of, and "state of affairs" created by, the 1960 Treaties are still in force. Contrary to Mr. Michaelides' allegations, therefore, Turkey protected the International Agreements on Cyprus while Greece and the Greek Cypriots have consistently violated and tried to destroy their very basis.

In your relevant report to the Security Council, you have confirmed that "Cyprus is the common home of the Greek Cypriot community and of the Turkish Cypriot community. Their relationship is not one of majority and minority, but one of two communities in the State of Cyprus" (S/23780 dated 3 April 1992). The political equality of the two communities, on the other hand, has been reaffirmed both by that report and by the relevant resolutions of the Security Council.

Bearing in mind the legal foundation of the 1960 bi-communal Republic of Cyprus, the above legal considerations and the internationally acknowledged equal political status of the constituent communities of Cyprus, it is clear that, as laid down in paragraph 92 of the United Nations "Set of ideas" of 1992 (S/24472, annex), the membership of "Cyprus" in the EU as an "undivided island" is a matter which must be discussed and agreed upon by the authorized representatives of the two constituent peoples of the island before being submitted to their approval in separate referendums.

The efforts of the Greek-Greek Cypriot duo to integrate South Cyprus with Greece is not limited to membership in the EU alone. These efforts, which started long ago, continue unabated and have recently been given new impetus, particularly by the so-called "joint military doctrine" which effectively brings the South "within the defence zone of Greece". The process of hiring up to 5,000 professional soldiers from Greece to join the ranks of the Greek Cypriot National Guard has started and an agreement has been signed between Greece and South Cyprus which enables Greeks and Greek Cypriots to acquire dual citizenship. Preparations are under way to provide Greece with air-force and naval bases in South Cyprus, and the arming frenzy, which has again been stepped up, is reported to be getting a further boost by 50 more tanks which will be sent from Greece for use by the Greek Cypriot National Guard (see Greek Cypriot daily Agon dated 19 March 1995). The Greek Cypriot leadership is publicly committed to building up the armoured units of the "National Guard" to include as many as 500 tanks, including some of the most advanced in the world.

In the meantime, there is no shortage of public statements from the Greek Cypriot leadership as to the purpose of these militarization efforts. Explaining the purpose of the "joint military doctrine" as "being ready for war", the leader of the Greek Cypriot community, Mr. Clerides, in an interview with the mainland Greek newspaper Eleftheros Tipos, which was also reprinted in the local Greek Cypriot press on 19 March 1995, has stated that "the Joint Defence Doctrine is not merely on paper, it is being implemented effectively and with determination". He further stated that "those who believe that Greek war-planes will not go beyond running demonstration flights over our skies are deceiving themselves".

On the other hand, the Interior Minister of the Greek Cypriot administration, Mr. Dinos Michaelides, in a message he sent to Greek Cypriots living in the United States of America, is reported to have made the following belligerent remarks:

> "I would like to assure you that the 21-year-old occupation has not frustrated our struggling people. With the help of Greece, which is our mainstay of support, and that of Hellenes all around the world, we shall continue the struggle no matter how many sacrifices it requires ... This struggle will not end until our occupied lands are liberated and we freely set foot on Kyrenia, Morphou, Famagusta, Karpas, Kythrea and Lapitos" (towns in Northern Cyprus).
>
> (Greek Cypriot daily Mahi of 16 March 1995)

The joint Greek and Greek Cypriot front, which has caused so much bloodshed and suffering in the island with its campaign to create a purely Greek Cyprus, ultimately causing the division of the island, and which is consolidating this division by continuing to claim the whole island for itself, certainly has no right to complain about the inevitable consequences of its own actions. Cyprus, as had also been stated by Archbishop Makarios in his speech before the Security Council on 19 July 1974, four days after the coup, was "invaded by Greece", not by Turkey. The seat of Government which, by the Agreements of 1960, must belong to both communities as partners, has, since 1963, been illegally occupied and monopolized by the Greek Cypriot side. This is the real and the only occupation which continues in Cyprus.

On the other hand, it is ironic that a mentality which has attempted to annex the whole island and continues to entertain irredentist designs on Cyprus, in flagrant violation of international law and all norms governing peaceful relations among nations, can feel eligible to interfere with and complain about proposed amendments to existing legislation in the Turkish Republic of Northern Cyprus regarding utilization and ownership of property in the North. The record shows that one of the main features and root causes of the Cyprus conflict has been the Greek Cypriot attempt to dispossess the Turkish Cypriots of their lands and properties, and to marginalize them politically and economically, if not destroy them altogether. As part of this sinister policy, thousands of acres of Turkish Cypriot-owned land has been transferred to Greek Cypriots either illegally or by coercion, particularly since 1955, including Vakf (Muslim religious trust) land, which, by law, is not transferable.

At a time when the Greek Cypriot side itself has been enacting legislation concerning the utilization of Turkish Cypriot immovable properties in the South (Law No. 139/1991), Greek Cypriot allegations concerning properties in the North are baseless and designed to mislead. The Greek Cypriot administration has, in effect, been issuing ownership certificates to their citizens for houses built on the Turkish Cypriot property and are requisitioning Turkish-owned property. The Greek Cypriot daily Filelefttheros reported on 2 February 1995 that 4,600 Greek Cypriots who have houses built on Turkish Cypriot property are expected to be issued possession certificates soon. It is reported that the matter, having been reviewed by the relevant "Parliamentary Committee", will be submitted to the Greek Cypriot Council of Ministers by the Interior Ministry shortly, with the proposal for the issuing of title deeds.

As you are aware, the property rights and title deeds issue is a by-product of the conflict in the island. As such, the issue can only be settled through the negotiations, and on the basis of the already agreed principles of bi-zonality and bi-communality.

Meanwhile, Greece and the Greek Cypriot side would be well advised to stop spreading false propaganda against Turkey and the Turkish Cypriot side and focus on the negotiating process aimed at the establishment of a bi-communal, bi-zonal federation in the island, based on the political equality of the two communities. For every unilateral action they take in order to dominate Cyprus at the expense of the Turkish Cypriot community is bound to have consequences for the process of negotiations and a just and lasting solution.

The statements made by President Denktaş and the Turkish Government officials regarding membership in the EU are "a word to the wise", not a threat. The real threat to peace in Cyprus comes from the statements and actions of the Greek Cypriot side itself, to bring the Turkish Cypriots under its domination and claim the whole island. I am sure that the international community will not fail to see the situation in the light of these facts and realities, rather than the baseless propaganda created by the Greek Cypriot side and Greece, and draw the appropriate conclusions.

I shall be grateful if this letter is circulated as a document of the General Assembly, under agenda item 51, and of the Security Council.

(Signed) Atay A. RAŞIT
Minister for Foreign Affairs
and Defence

*----

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1995/234
29 March 1995

ORIGINAL: ENGLISH

NOTE BY THE PRESIDENT OF THE SECURITY COUNCIL

1. Further to the notes by the President of the Security Council dated 30 June 1993 (S/26015), 27 July 1993 (S/26176), 31 August 1993 (S/26389), 29 November 1993 (S/26812), 28 February 1994 (S/1994/230) and 28 July 1994 (S/1994/896) concerning the Council's documentation and other procedural questions, the President of the Security Council wishes to state that all members of the Security Council have indicated their agreement with the following proposals:

The following improvements should be introduced to make the procedures of the Sanctions Committees more transparent:

- The practice of issuing press releases after meetings of the Committee should be increased;

- The Status of Communications lists under the "No Objection" procedure prepared by the Secretariat should be made available to any delegation which wishes to have a copy;

- A list of all other decisions by each active Committee should be prepared by the Secretariat, on a regular basis, and be made available to any delegation which requests it;

- The annual report of the Security Council to the General Assembly should contain, in the Introduction, more information about each Committee than it does at present;

- An annual report to the Security Council should be prepared by each Committee, providing a concise indication of each Committee's activities;

- An effort should be made to expedite the preparation of the summary records of each Committee.

For the implementation of these measures, the existing procedures of the Committees should be respected.

Meetings of the Sanctions Committees should remain closed, as they are now, and the summary records of those meetings should continue to be distributed according to the existing pattern.

2. The members of the Council will continue their consideration of other suggestions concerning the Council's documentation and related matters.